HENRY SCHWARZ

Constructing the Criminal Tribe in Colonial India

Acting like a Thief



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The land was ours
Even the rivers were ours
Our elders wandered the jungles and the plains
When we were hungry we would beg
If we couldn't beg we would steal
The British came
They made laws
They made us "born criminals"

The British came and oppressed us
They beat us till our skin was flayed
The British left and the police came
Freed from the camps we were put in jails
The jungle disappeared
The land disappeared
The rivers disappeared
The rivers disappeared
The rivers disappeared

–Chhara childrens' song (2006)

Introduction

The criminal tribes of India represent a phase of crime which is almost unknown in Europe. Perhaps their condition might more fairly be called a state of war than a state of crime. … [T]hey carry on a guerilla warfare which defies the combined efforts of an army of 150,000 police and 700,000 village watchmen to repress. (F. St. G. Booth-Tucker)

The big crime of the country is not as a rule committed by these people. (F. C. Daly)

BHANTU *Though burglary, dacoity, robbery, theft, etc. are admitted to have been their traditional pursuits and source of income in the past, these activities have almost ceased due to the measures jointly taken by the erstwhile British government and philanthropic agencies like the Salvation Army. …*

KANJAR *According to Crooke (1896) … Kanjar is a branch of a nomadic race which includes many groups. Ibbetson (1916) describes the Kanjar of Delhi as vagrants who wander about the country catching and eating jackals, lizards and other such creatures. … According to Rose (1919) the Kanjar are vagrants with their headquarters in Delhi. According to Kitts as quoted by Russell and Hiralal (1916) … "They are a vagrant people, living in tents and addicted to crime."… The Kanjar are also known as Sansi, Chhara, Bhantu, Bijawat, or Nat Kanjarbhat in different states. … In the past the Kanjar were notorious for their criminal activities. As the income from their vocation was insufficient, they reportedly took to theft, robbery and dacoity as the means of livelihood. This was again supplemented by singing, dancing and prostitution.*

(K. S. Singh)

This book begins from a protest against injustice. About ten years ago I met several members of a community in India that had been branded as criminal by the British colonizers. Fifty years after independence, these so-called "criminal tribes" (CTs) still lived in a ghetto on the site of a reformatory compound where they had been forcibly settled in the 1930s. At that time they had been put to captive labor in textile mills and other industries in the name of rehabilitating them. Prior to that their life of crime had consisted of traveling between villages to entertain the rural population with singing and dancing, "with pots on our heads and swords in our hands," according to Dadi, an 80-year-old great-grandmother interviewed in the documentary film *Acting Like a Thief*.[1] Dadi admits that the tribe, called Chhara, did practice some petty crime. She even glorifies to some extent the stereotype of the criminal past, regaling her audience with stock flourishes: "My father could steal the blanket off your back while you slept. You would just sit there and cry." Yet by a certain time, which it is possible to trace through the evolution of law, techniques of policing and surveillance, and the rise of a scientific anthropology, this petty crime became identified with the totality of the tribe's behavior and became synonymous with its identity as a whole. Thus was created the notion of a criminal tribe, a community of people predisposed by birth to commit crime and basically incapable of reform, although reform was ostensibly among the reasons for settling them, putting them to forced labor, and creating an elaborate system of surveillance to watch over them.

This notion seems, on the face of it, preposterous. And yet as each new bit of information emerged, the situation became more and more real. The Chhara youth created and performed a play titled *Budhan*, named after Budhan Sabar, a member of the Kheria Sabar tribe of West Bengal, who was killed in police custody in February 1998. Budhan had been a member of a forest-dwelling tribe that had been "notified" as criminal at some point in the past, meaning that the local authorities had applied to the central government to recognize this community as "addicted to the systematic commission of non-bailable offenses."[2] As bizarre as it seems to consider whole classes of people "addicted" to crime, Budhan was far from unusual. At the time of Indian independence in 1947, there were between 3 and 4 million notified tribespersons in India. Their notification was repealed throughout the country in 1952, at which point they entered the administrative ledger as "De-notified Communities" (DNCs) or *Vimukta Jatis*. As censuses were performed on the newly independent population, and administrative lists (or "schedules") drawn up to determine provisions for housing, education, health care, employment, and other services, DNCs were sometimes recorded under other categories such as scheduled castes, scheduled

tribes, or other backwards classes. In the 1961 census, the administrative schedule included 27 million people who were technically categorized as DNC.[3] That did not account for any formerly notified persons who had been assigned to other categories. Sometime later the official nomenclature shifted to accommodate the large number of formerly nomadic tribes that were also notified as criminal, to "Denotified and Nomadic Tribes" (DNTs). In 2008, the National Commission of the Denotified, Nomadic and Semi-nomadic Tribes (DNSNTs) estimated their number at 60 million.[4]

When Budhan was killed, the autopsy indicated injuries consistent with physical abuse. In a system dating back more than 150 years in India, confessions had become a central element of policing and prosecution, and the notion of the "usual suspect" or person of "notorious character" had become a cornerstone of colonial law. Producing confessions from such notorious persons was a hallmark of the campaign to suppress thuggee in the 1830s, which resulted in several pieces of extraordinary legislation allowing for the use of such confessions as evidence, among other legal innovations, as we will see in Chapter 1.

Other ramifications of the thuggee legislation included guilt by association. Conviction could result from alleged membership in a gang accused of committing crime, rather than evidence proving an individual committed a specific crime. Confessor's testimony could substitute for concrete evidence linking an individual to a crime, and demonstration of the accused's membership in the suspect community by virtue of his or her knowledge of its language or customs became an actionable offense. Although modified continually over the years to reflect new knowledge and changing circumstances, the spirit of the original legislation remained consistent until it culminated in the notorious Act XXVII of 1871, "The Criminal Tribes Act" (CTA), which dropped a legal sledgehammer on a wide variety of marginal groups who were now found to be practicing crime instead of a livelihood. Strikingly, the "Thuggee Acts" provided special rules for prosecuting the crime of thuggee without actually specifying what that crime was. Similarly, the series of Criminal Tribes Acts beginning in 1871 called for ascribing a set of behaviors to collectivities suspected of crime without ever proving that actual crimes had been committed. Violation of the rigorous prescriptions of the law immediately made one guilty. And so crime came into being, and it spread; and so it was said to be controlled.

The idea that whole groups of people, whether tied together by blood, family, occupation, religion, tribe, caste, or some other form of belonging, could take their identity in common from the marker of hereditary crime had long been a presupposition of British rule, but it came into repeated conflict with a counter-tendency to impute a free, abstract, universal subject

as the basis for liberal "rule of law." Historian Radhika Singha has gone the farthest in examining this particular conundrum. In her view, the British rulers of India prided themselves on instituting a framework of rational rule deriving from the dominant paradigm of utilitarian, liberal thought. This emphasized freeing the individual subject from the constraining fetters of backward tradition, the "despotism," "priestcraft," and "superstition" that led James Mill to consider Indians "the most enslaved portion of the human race."[5] Indians would enjoy free trade, just laws, and modern education in what Bernard Cohn has called the "laboratory of mankind."[6] Yet the thuggee phenomenon showed that in practical application the British East India Company was quite willing to set aside liberal principles, including the criminal law, to enforce order and to counter challenges to its authority. In this way is substituted a civilized despotism for the oriental version that allegedly preceded it, erecting what Singha has termed a "despotism of law."[7] The Criminal Tribes Acts were some of the most spectacular examples of this contradictory "liberal despotism."

Despotic assertions of authority were justified by the essential native difference from civilized European behavior, often grouped under terms of convenience such as tribe, caste, or religion. As early as 1757, recruiters for the Bengal Army noted seemingly essential traits characterizing members of the various religions, and apart from the theory of the "martial races" that would become systematic later, they early utilized these differences to "keep the battalion divided," to "encourage rivalry," and to "prevent 'cabals'."[8] In 1772, under Warren Hastings, Article 35 of the General Regulations allowed for the punishment of an offender's family and village on the argument that Indian criminals were such by profession and heredity and members of like-minded fraternities, "robbers by profession, and even by birth; they are formed into regular communities … ."[9] Regulation XII of 1793 was directed at groups of criminals "by profession" and wandering gangs whose whole families could be put to work on roads or otherwise forcibly settled down. The apparently essential qualities of certain actors, engaging occupations "by birth" and in defiance of the law, encouraged British officials to compile lists of attributes pertaining to each one and to classify them on the basis of their usefulness to the state. Observable differences became inherent tendencies. When combined with poorly understood Indian notions of community, such tendencies became essential, unchanging certainties.

This process continued with some modifications in independent India. The fact that Budhan belonged to a DNT positioned him within an immediate historical relationship with the police that made him always-already

suspect. Immediately after repeal of the Criminal Tribes Act at the national level, individual states passed Habitual Offenders Acts in its place. In the performance of *Budhan*, the Officer in Charge is represented as combing the marketplace to find a "*Sabar whom he could hold responsible for all of his theft cases*."[10] Unfortunately this attitude is still prevalent today. DNTs are routinely hounded by police to produce confessions. Ordinary citizens regularly accuse DNTs of crimes, and just as regularly take the law into their own hands. Vigilante lynchings are common.[11] Under such conditions of intensive surveillance and suspicion, DNTs are constant playthings of the law. Despite the nationwide grassroots movement that was launched in the wake of Budhan's killing, with its remarkable successes, vested interests and colonial-era stereotypes continue to conspire against these communities, making them among the most impoverished, least educated, and most vulnerable populations in India.

My goal in this book is to trace the historical conditions that gave rise to this attitude towards crime as well as to indicate an activist agenda for alleviating it. It is obviously an unjust one, and the colonial authorities understood they were acting on "providential circumstances" in the 1830s when they suspended their own legal procedures and codified emergency powers.[12] Considerable anxiety accompanied this process, as did legal and political resistance from within the Company's administration. Yet it happened at a time of tremendous expansion of the Company's actual and symbolic authority over the country, and extraordinary measures were found to be expedient in demonstrating both the physical power to control groups of people and the imperial mien befitting a continental ruler. Such measures became useful periodically as the British adjusted their rule to suit changing circumstances. In the wake of the Sepoy Rebellion of 1857–9, the appropriate demeanor of paramountcy dictated a permanent settlement of India's wide diversity of marginal identities. On the books was the legal innovation of the 1830s. After the institution of the Indian Penal Code and Code of Criminal Procedure in 1860–1, incremental adjustments were made to stamp out "way of life" criminality seen as unbefitting an orderly, settled colony governed by the rule of law.

A tremendous impetus to the dynamic of classifying was given during the "information panic" surrounding the thuggee phenomenon. According to C. A. Bayly, thuggee was perhaps the "most celebrated case of orientalist myth-making."[13] Thugs were said to be bands of organized highway robbers who strangled their victims after traveling with them for a time and winning their confidence. They were said to worship Kali and to possess their own language or argot that concealed the secrets of their trade. In a series of highly publicized trials from 1829 to 1840, almost 4,000 accused thugs

were convicted, their punishments ranging from hanging to transportation for life. Under the procedures specially developed for the trials, only about 100 were acquitted.

The Thuggee Acts and trials did not summarize the British contribution to law under colonial rule. But they did illustrate a unique feature of British colonial knowledge. Its felt incompleteness and inadequacy frequently spawned erroneous generalizations about the population based on ignorance masquerading as fact. These "facts" became incorporated into policies and procedures as the native difference of administrative rationality. Bayly observes a dual system of information in British India creating "knowledge gaps" that led to "information panics." At the levels of official administration such as revenue, military, and political service, "a considerable concentration of information and power had been achieved." The lower levels of decentralized community information, however, were "imbalanced, uncoordinated and incomplete" (165). The two levels were only "weakly integrated," leading to frequent anxiety about the effect of administrative policies on the ground. Generalizations about collective identities led administrators to believe they were adequately affecting large groups of people uniformly and evenly. When acting in such a "panic," the reliance on oriental stereotypes revealed the paucity of actual knowledge. "The margins of policing were, therefore, the nursery of practical orientalizing where the social Other was discovered" (171).

As the Company extended its influence into new territories, its employees sometimes detected threats that called for greater police powers and authority. In 1808, the new magistrate of Etawah, Thomas Perry, "discovered" through the use of heavy-handed techniques that gangs of "thugs" had been marauding in his territory. "By 1815 'Thuggee' had been accepted as a specialized crime and the Thugs had been endowed with a caste-like corporate status" (175). When W. H. Sleeman took over the Thuggee and Dacoity Department at Jabbalpur in the Central Provinces in 1831, government had decided to invest considerable resources in eradicating this scourge. Sleeman's expansion of policing and surveillance, and his production of convictions through the use of confessions, along with the emergency powers of guilt by association and "notoriety," became institutionalized. They were still resisted by the courts and by political operatives, especially in the Native States, but adequate knowledge about the crime had been created so that by 1836 the central government could pass Act XXX, "The Thuggee Act," without even defining what it was making illegal.

My reading of thuggee focuses on the modern historiographical debates over what constituted the information panic of the 1830s. In surveying a variety of historians who today debate the validity of the "facts" and their

interpretation, I arrived at the conclusion that as a precedent for controlling crime, the thuggee model was both determining and inadequate. Whether or not one believes in the existence of thugs (a question which dates back to the campaign itself), two implications are inescapable: (1) the anti-thuggee legislation violated completely the principles of "rule of law" professedly used to govern the subcontinent; and (2) similar thug-type entities arose as needed to justify repressive measures whenever uncertainty threatened authority. There was a strong element of invention in the detection of criminal conspiracies.

It is not just legal evolution that concerns us here, although that is obviously important, but more broadly speaking the domain of consciousness, of knowledge itself, and of classifying that knowledge through the application of broad administrative categories. Epistemology has formed a large subset of the disciplinary field of Postcolonial Studies as that has emerged in the West since roughly the mid-1970s. Indeed one of its founding texts, Edward Said's *Orientalism* (1978), sets itself the goal of comprehending nothing less than how the West misunderstands the East. Influential as it has been, there has always been an uneasy fit between orientalism as an intellectual paradigm and the study of British colonialism in South Asia.[14] While, to be sure, orientalist stereotypes about India are abundant, a distinctive contribution of scholars of the region has been to show the locally grounded politics behind such representations. This turns a problem of abstract epistemology into one of concrete ideology. In other words, stereotypes and misrepresentations can be expected to flourish in the exercise of colonial power, but the more pertinent questions are concrete: when, where, why, and with what lasting result? Orientalist bias is a given when appraising a cultural other. What do we do with the empirical facts generated through this interaction, especially when the facts are handed down over centuries and constitute an accepted framework of truth many years after official colonialism has ceased?

Chapter 2 considers the historical legacy of the thug menace by weighing fact and opinion in the practical control of power through police and the law as these techniques were extended to wider and wider circles of the population. In examining the earliest mentions of thugs in the European literature about India, it becomes clear that they were "known" well in advance of their "discovery," that is to say, something like a "thug principle" had been animating the Western discourse about the Indian social order since at least the mid-seventeenth century, if not earlier. A similar principle animated anthropological accounts of India's diverse population later in the nineteenth century. By the mid-nineteenth century, "authoritative" historians were tracing the origins of the thugs back to Herodotus

and Seneca and finding in them a full repertoire of oriental mystique. Historian Maire ni Fhlathuin comments that by 1839, "readers wishing to pursue their new interest would have found every text pretending to a comprehensive account featuring ... [a] home to wild beasts, mounted stranglers and deceitful women with disheveled hair, and using this to bolster one version or another of the historical progress of thuggee."[15]

Perhaps not surprisingly, once thugs became known – and especially after they were said to be eradicated – they began to appear everywhere. Wave after wave of criminal conspiracy was uncovered in the decades following the successful conclusion of the anti-thug campaign as if to prove its validity. Or did it disprove it? Anxiety over thuggee's success very much colored the legislative proceedings surrounding deliberations on the Act of 1871. In arguing the need to control the vagrant tribes of the Punjab, such as Sansis, Harnis, and Bawarias, their link to the thuggee precedent is traced in "virtually every report. ... Thus attributes of one were assimilated in the other."[16] Hereditary crime makes of these "fraternities" a race apart, beyond the pale, and so like pirates to be terminated with prejudice. Special legislation was required to suppress entire communities, as this was not allowable under the Penal Code. The groups in question were represented as Evil incarnate: "fraternities of ancient creation, their number so vast, the country over which their depredations spread so extensive, their organization so complete and their evil was of such formidable dimension."[17]

Thus the representation of criminal tribes, stemming from thuggee, was to a large degree a "discursive construction," but this does not mean that it was purely an orientalist fantasy or a British projection. It is more accurate to acknowledge that British police were tailoring their descriptions of the Indian countryside and its inhabitants in keeping with information they were receiving from native informants, and that the heightened rhetoric used to describe criminal communities reflected to some degree the disdain in which they were held by landed elites increasingly seen as allies. This disdain was mutually conditioned by British efforts to impose order over the countryside, and the thuggee campaign was a powerful propaganda engine. Where informants were exaggerating, whether to heighten the grandeur of the events they were describing or to increase their listeners' appreciation for how important they were, is not always simple to decide. In fitting their style of rule to pre-existing ones, and so borrowing adjacent authority from prior regimes, the British consistently bent their European principles to native understandings and translated native concepts into British correlates.

By the 1870s, argues Sandria Freitag, symbolic authority was at least as significant to the British rulers as military force. Having suppressed the

Great Rebellion, they now had to win the peace, and with British-educated clerks taking an increasing share of everyday administration, the trappings of power became increasingly pedagogical. The activity and especially the publicity around thuggee had done much to shape definitions of crime and lawfulness, appropriate and inappropriate behavior on both sides. "Even as the Raj's treatment of thags reinforced indigenous values such as martial valor and a hierarchy dominated by a landed elite, new standards emerged regarding appropriate behavior for that indigenous elite and a definition of crime that marginalized the activities of certain groups."[18] Wandering or "vagrant" "criminal" tribes were met with special prejudice. The model of sedentary village agriculture was increasingly seen as the ideal, its appeal bolstered by the fact that British rule had brought a certain stability and demilitarization to Hindustan. Increased opportunity was available in the Indian Army, and agriculture had improved with expanding cultivation and irrigation. Railways and government service were opening new forms of employment. The British proved the superiority of their enlightened despotism by expanding the center and controlling the margins.

Importantly too, Freitag stresses, the suppression of crime in the rural districts was driven by a new threat:

> [L]andlords as rural allies became ever more important … *because* the attention of the imperial state was being drawn increasingly to the cities. We may speculate that it was the ideological challenge presented by a newly emerging Western-educated elite, and the alternative social and political structures of the cities, that prompted the last intensive efforts to define collective criminality in a way that demonstrated the state's ability to control large numbers of people – while, at the same time, lending credence and legitimacy to the value system of a now-domesticated landed elite. (241)

It has been noted that the control of criminal tribes was the last major policing operation before it became necessary to control the rising nationalist movement. The Indian National Congress was founded in 1885; in 1905 thousands would be arrested for protesting the partition of Bengal.

Along with the control of these large populations came control over knowledge. The first large-scale attempt at a census was also undertaken in 1871; it had become clear that the lack of empirical knowledge about Indian society was dangerous. This was especially true of both babus and wandering criminals; the former because of their deep intimacy with European habits and their "feminine" and clever ways, "Indian in blood and color, but English in tastes and opinions, in morals and in intellect";[19]

the latter because their very existence seemed to challenge the ideal of settled village agriculture dominated by feudal elites.

Bernard Cohn has observed at the time of the census the special treatment given to itinerant groups,

> whose practices threatened the prescribed sociological order. These were people who appeared by their nature to wander beyond the boundaries of settled civil society: sanyasis, sadhus, fakirs, dacoits, goondas, thags, pastoralists, herders, and entertainers. The British constructed special instrumentalities to control those defined as beyond civil bounds, and carried out special investigations to provide the criteria by which whole groups would be stigmatized as criminal.[20]

Such groups of criminals were also seen as castes, with that term now embodying a contradictory range of definitions involving profession, blood, language, custom, and religion. To understand these customs as the basis for control was among the early vocations of scholarly anthropology, which arose at the intersection of policing, surveillance, and the history of British interactions with various ethnicities. Nicholas Dirks has shown that

> criminal castes occasioned some of the first ethnological monographs, and thus anthropology collaborated with policing to provide a scientific means to measure – and by measurement to contain the subjectivity of – persons whose identities were otherwise fluid within caste boundaries. Science worked on society at the level of the body; caste was defined as the genetic boundary of the Indian body … .[21]

Chapter 2 concludes with a discussion of the deliberations leading to the CTA, a brief description of the Act itself, and then a micro study of its early application on two groups of allegedly criminal tribes in Punjab and in the North-Western Provinces.

The Criminal Tribes Act was significantly amended in 1911 after detailed inputs from a Police Commission convened in 1902. The Commission sent the Bill to a committee of native experts, including Gopal Krishna Gokhale, among India's most prestigious nationalist leaders, who recommended even more punitive measures against criminal communities and the final sedentarization of nomads and pastoralists. Four provisions of the original 1871 Act were more rigorously enforced. These included (1) the notification and registration of wandering or nomadic groups in addition to that of already settled gangs; (2) the forced settlement of nomads, as well as the tighter monitoring and attempted rehabilitation of previously notified communities; (3) the separation of children from their parents for

the sake of reformation; and (4) the provision of livelihood to the settled communities, whether of agricultural or industrial employment. These measures were advocated and lobbied for by social service agencies, chief amongst them the Salvation Army. The Act also extended the principle of criminal notification throughout India, whereas it had been previously confined to three territories alone. Although the 1871 Act had allowed for transportation of absconding criminals throughout the British holdings, the new Act called for notification wherever criminal tribes could be found.

Chapter 3 concerns the role of the Salvation Army in making criminal tribes settlements "the hobby of the hour."[22] Soon operating some twenty-seven settlements with over 10,000 inmates throughout India, the Army made concentration camps profitable. Utilizing the "Bombay Model" which had been in informal operation several years prior to the 1911 CTA, the Army fashioned itself a procurer of labor to the capitalist class. After several slow starts beginning around 1908, by the time the Act of 1911 was in place the Army was well positioned to supply labor in a variety of industries at below market cost. Its reigning ideology was "criminocurology," or the science of penal rehabilitation through labor and prayer. It kept its populations in check by threat of incarceration and corporal punishment under the CTA, and productive through infinite work.

The chapter compares two distinct forms of settlements in different parts of the country under the administration of the Army. A government-run agricultural settlement at Kheri, North-Western Provinces, was taken over and re-christened by the Army as Sahibganj ("Whiteytown") in 1913. In the same year, an agricultural settlement was inaugurated at Bepatla, near Guntur in Madras Presidency, named Stuartpuram after its benefactor, the Police Inspector Sir Harold Stuart. The overriding concern here is with consciousness: what kind of mindsets did the criminal rehabilitative regime produce in the criminal? This is interesting for two reasons: (1) we have detailed responses in the forms of interviews and ethnographies for each settlement that allow a glimpse of life in the colony and record the settlers' experiences in their own words; and (2) each settlement was seen as an ideal of its type, although each failed for different reasons. In the very different responses to local circumstances we witness the adaptability and contingency of the settlement idea and the response of its inmates to duress.

Chapter 4 returns us to the original inspiration for the book, the performance of the play. The most valuable lesson learned in the course of researching and writing it has been that creative activity can have a recuperative effect on traumatized populations. In a detailed study of the output of Budhan Theatre, which today comprises four published plays and four documentary videos, I trace an aesthetics of survival leading to a politics

of liberation. Against the odds, the artificiality of the criminal label is turned back upon its creators, and the injustice of the criminal stigma is exposed. This process allows the participants to construct alternate worlds in which justice is realized. These are not entirely imaginary worlds; the case of Budhan Sabar was successfully litigated through the High Court of Calcutta, and four months after his murder his widow was awarded compensation and the guilty officers were brought to justice.

This is not just a "committed literature," however, possessing solely political resonance. The aesthetics of survival provides several levels of instruction: practical, detailed information on the historical construction of criminality in colonial India, and its continuance under the postcolonial state; how to make a thief through the most elementary, everyday practices of authority; how to contest that authority; and how to raise awareness, build a movement, and roll back one hundred and fifty years of nightmarish history.

1

Placing Criminals, Displacing Thuggee

Historical Representation, "Fact," and Stereotype, c. 1830–2005

The sum total of human misery inflicted by the Thugs remains beyond computation. (Mike Dash)

The systematic methods of Thuggee and the methods for suppressing Thuggee are by design the same. (Carolyn Reitz)

Wherever there is an Englishman there is a thug. (Parama Roy)

Reinventing Thuggee

The issue of stereotypical representations of India remains a problem for both India and the West. Among the grandest of these representations is that of the so-called "thuggee" dating back to the early nineteenth century if not earlier. Thuggee was the name given to the alleged depredations committed by organized bands that were said to waylay travelers upon the roads, and, having earned their confidence, to strangle them and steal their valuables. Very often such bands were said to belong to a religious cult honoring the goddess Kali. At other times they were said to possess their own secret language, to move throughout the entire subcontinent at will, and to conspire to overthrow British rule. Whether such gangs existed or not is a problem for historical scholarship. The fact of their suppression remains fairly certain, however: by 1840, some 3,443 had been convicted. Of those, 466 had been hanged, 1,504 transported for life, 933 sentenced to life imprisonment, and 208 died in jail before trial.[1]

The fact that such gangs were *said* to exist, and that their notoriety follows them to this day, is paradoxically an historical fact too. Today, some 60 million people live condemned under the verdict of having been

associated with thugs in the past. The power of story in this case is often more true than fact. The goal of this chapter will be to outline the thug story as it is treated in contemporary historical scholarship and to try to account for its longevity as an active agent constructing social identity in postcolonial India today.

This dilemma emerges with special focus in a recent book by Mike Dash, a popular historian much beloved by the mainstream press, whose work bears directly on the issue at hand. Dash's 2005 publication, *Thug: The True Story of India's Murderous Cult*, has been praised effusively, not least for its supposedly extensive documentation. Indeed Dash's bibliography runs to seven single-spaced pages, and his endnotes to forty-seven pages. Many of the glowing reviews can be found on his website. A brief consideration of his book will lead us to a more complex discussion of scholarship and activism.

The problems with Dash's scholarship are two-fold. One, he seemingly believes the primary sources he is examining and treats them as an undiscovered treasure ripe for revealing. He then conjures from them a gripping tale of colonial adventure on the frontier of eternal darkness. This is the India of pure colonial stereotype and Raj nostalgia, unencumbered by nuance or complexity. Without much anxiety, Dash narrates the "True Story of India's Murderous Cult" from an archive that was constructed precisely to prove and to convict this "cult," rather than deploying an appropriate measure of criticism towards the facts so recorded. His archive was designed to entrap the thug and to exterminate him, and so to rely on it to tell the tale anew results in a foregone conclusion. The net effect is to reanimate a vivid representation of thugs and thuggee as though these phenomena really existed, and were more real than the orientalist fantasies or prosecutorial zeal of their hunters.

Dash's bibliography indicates that he is aware that his archive has already been well trodden by scholars. Oddly, he avoids this scholarship and so constructs an historical narrative that is not only implausible but largely fictitious, based on the spurious "facts" of the archive but also equally on hearsay, rumor, common sense, and superstition, padded out with fanciful descriptions of basic facticity (landscape, climate, folk tales, flora and fauna, etc.). Many scholars have found these "facts" motivated by fear, ignorance, political calculation, publicity, and a quest for personal glory. Dash basically retells a story that has been canonical within the hagiography of Empire since Edward Thornton's 1837 *Illustrations of the History and Practices of the Thugs,* recycling many of the received legends that had sprung up in the wake of the hunt. Dash's *Thug* is a gripping tale well told, designed to woo the reader's sympathy for the beleaguered colo-

nial police. He does not mention that this tale had been written originally by the police to win sympathy and funding from a skeptical government. Sherlock Holmes in mufti.

Dash criticizes the so-called "revisionist" historians in a brief, introductory "Author's Note" that gives the impression that what follows is informed by more mainstream approaches. Although he cites the work of established scholars such as Sandria Freitag, Radhika Singha, Christopher Bayly, Martine van Woerkens, Maire ni Fhlathuin, and others who have painstakingly covered the same archival terrain and found it to be dubious, he finds no time to grapple with any of their substantive findings within the body of his text. Thus his charge of "revisionism" implicitly dismisses as merely trendy or fashionable the main point of contemporary scholarship that would largely undermine the central premise of his book – namely that thuggee did not exist with anything like the specificity or ferocity with which it was prosecuted.

In other words, it is now widely (if not universally) accepted by historians that the anti-thuggee campaign of the 1830s was at least as much a public relations event as a policing operation. Its motivations were integrally bound with the expansion of British power into unknown territories, with scant regard for local customs or the benefit of the population. In some readings, the anti-thuggee campaign was a draconian extermination of a type of life that was no longer deemed viable under the expanding interests of the East India Company, calling itself a police operation designed to root out dangerous criminals. In the process, definitions of criminal activity and the nature of the legal instruments with which to combat it frequently derived from the extraordinary nature of the phenomenon they were said to address. Naturally there would be a large opportunity for expedience in such a situation of military conquest, territorial consolidation, and the extension of symbolic authority over that domain. To Dash, however, these are heroic police uncovering heinous crimes in an arena of fact which is hardly disputable. Indeed his selective culling and censoring of academic criticism is the precondition for the continued rewriting of the myth of British benevolence towards its empire in a particularly noxious form of Raj nostalgia. Why does Dash feel he must write this story now? It is quite possible to imagine it having a far more negative impact on contemporary attitudes towards crime in India by legitimating many old myths about the glories of the Empire and the "ungovernable" races under its sway.

The reason for debunking Dash's claims is that they still affect a vast living population to an extraordinary extent. The judicial descendants of the thugs are the criminal tribes mentioned in the Introduction, criminalized by the Act of 1871 and still today stigmatized under the remnants of the

CTA legislation. Truly damning of Dash's whole procedure is his acknowledgment of the evils that followed the anti-thuggee campaign. Late in the book he admits,

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"Unhealthy." "A number." Such equivocations repeatedly temper Dash's explanations for British behavior. He calls this legislation "discreditable," but certain tendencies of his prose style – so crucial to the more enduring image of thuggee produced here, whatever the "facts" and the author's relation to them – work to undo his assertion by reversing its polarity at strategic times. He seems to endorse the notion of hereditary crime while in the same breath suggesting to disavow it. For example, in Chapter 7 we are introduced to Feringeea, "the most celebrated of all the Thugs," a Brahmin and "descended from … a race of people known throughout India for their military prowess" (82). His father Purusram traced his "ancestry back through five generations of stranglers. All six of his brothers traveled with the village gangs, as did more than 30 cousins, and in each branch of the family, so it was claimed, 'every male, as he became of age, became a Thug' " (83). This certainly insinuates a strong degree of pedigree to a practice that should not been seen as "hereditary." In describing Feringeea as descended from a "race" of combatants, how have we moved from the biological determinism that could calculate "martial races" or "hereditary criminals"?

The descriptions continue: "The leaders of many bands were *in effect* hereditary Thugs, coming from families in which the trade had been practised for generations and among whom sons followed their fathers and served alongside brothers, cousins and uncles. These men were sometimes know as *aseel*, or well-born" (87, my emphasis). Dash is quick to qualify: "But even in the most eminent Thug families men did not become stranglers either automatically or inevitably." The seeming balance is maintained through the paragraph by providing examples of some who did not strangle, or some who did so sporadically, and of some who retired for a time and took up strangling later in life. No animal compulsion, but surely a trend.

The use of the native term *aseel* seems to cement the suggestion as authentic.

Yet what is one to make of the paragraph immediately following?

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The surface description seems to deny the iron law of heredity, while the qualifiers and emphases work to restore suspicion on just that point. A tone of shrewd equanimity reassures the reader of the description's objectivity: "*careful* study," "*surviving* records," "nevertheless *suggests*," "one sort or another," "no *single* instance," "no records," "at least one." This is the technique of plausible denial. Each single statement contains just enough qualification to avoid being an assertion, yet the combined effect of the suggestion, delivered in the reassuring, lilting cadences of "on the one hand; on the other," works to produce an image of overwhelming guilt. Heredity is not so much asserted as repeatedly referenced through shadows and highlights until it insinuates itself into the description, despite the assertion of its opposite. Framed as this discussion is by Dash's invocation of caste identity or "race," Brahmin Hindu at the beginning and "Islamic Thug" at the end, hereditary crime acquires through association the same fixed and immutable characteristics as the functionalist theory of caste. Brahmins, we are told, as if out of thin air, "were India's *hereditary* priests and scholars; … they were generally well-educated. … Some Brahmins earned a living as soldiers or farmers rather than as priests, but *none* would stoop to manual labor, and *it was held* to be a sin to shed a drop of their sacred blood" (82–3, my emphasis). We are not told who does the holding or the inheriting, or who might police the odd exception.

Similarly, the castes do not mingle, so the thugs were opportunistic: "It was difficult for men of different castes to meet and mix in India. … Islamic Thugs, *who were unconstrained by the requirements of the caste system*, must have found it easier to inveigle potential victims … ." (89, my emphasis). Thus the static and hierarchical nature of Indian society, endlessly refracted through religion, race, and caste, serves to fix the thug in an inevitable position that also determines his inherited occupation. Although

this notion grates on modern (or postmodern) sensibilities, it can be insinuated as "the truth about the past" by injecting into the narrative style the appropriate amount of skepticism and repeated reference to a thoroughgoing mastery of the sources. "You may not believe this, but it's true … ." The thugs are rendered exceptional on every page, simultaneously as they are rescued from obscurity, yet again, by a heroic author retrieving a monumental story.

Another quirk of the style registers critical accounts of thuggee while subverting their importance. In one of Dash's many references to caste, he notes the observation of contemporary critical anthropologist Nicholas Dirks "that caste may not *originally* have been the immutable, *hereditary* denominator *it has since become* …" (310, n. "Brahmins," my emphasis). Dash does not tell us when "originally" may have been, how "heredity" actually works in this instance, or what caste "has since become." It seems safe to say, however, that Dirks would not object to my objections. Why does Dash include this insight? To temper his own increasingly strong suggestion (however qualified) that thugs existed, that they thugged in the nineteenth century, and that they still exist today in one form or another?

The Crime Machine

Despite Dash's denials, the link of Sleeman's policing to hereditary criminality is essential. This is explicit in Sleeman's method, upon which the entire apparatus rests. We will examine some of the other innovations below; for now, Dash reserves his admiration for Sleeman's skill at invention and detection, waxing more than usually poetic.

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Dash applaudes the modernity, efficiency, and accuracy of this machine. It seems especially valuable for having informed methods "at home in Europe," as if that validates a practice invented in the backwaters of the colony. Dash is correct to say this deadly machine was "constructed" by the captain himself, although his data were provided by "approvers" – thug accomplices who pled guilty in exchange for a pardon. This indicated an enormous reliance on native agency in the formulation of raw data that were then interpreted by Sleeman and his charges to deduce the occurrence of the crime. The approvers who provided the original genealogies, family trees stretching back several generations and including the wives and children of so-called "thugs," were among the most "notorious" of characters arrested in the process.

Sleeman's chief informants were suspects who had themselves been arrested not on evidence adequate for conviction but rather on the basis of suspicion and "public notoriety," and who had "spent years in confinement for failure to give security"[2] for good behavior. Radhika Singha describes the procedure: "The Thuggee Department issued warrants on the basis of lists compiled from the depositions of approvers. … Officials used the assertion that thuggee was a 'hereditary system' to defend the practice of arresting the wife and children of a thug 'leader' to induce him to surrender. As thugs were 'generally hereditary', there was no injustice in this, explained F. C. Smith," the Company's Agent in the Sagar and Narbada Territory under whom Sleeman worked.[3] Sleeman improved upon this information by "sketching out" the "spidery genealogies" that "identified and marked" his targets.

Dash occasionally shows some skepticism towards the evidence compiled in this way – the "approvers … appear to have vied with each other to create the longest and most detailed pedigrees" (195) – but he is far more sanguine than other historians in accepting the approvers' testimony at face value and admiring the deductions made from it. Whatever the validity of the testimony, the action it inspired is rendered in laudatory tones:

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Whatever the evidence against them, the thugs would have necessarily murdered had they not been apprehended.

Sleeman's technique was indeed "a marvel" in that it departed so drastically from the rules of admissible evidence and guidelines for conviction outlined in the Islamic law then in force that the East India Company endeavored to uphold, with appropriate modification, in the territories under its sway. Over time of course such shortcuts in the prosecutorial process would prove advantageous to Company interests, and after six years of various forms of resistance from within the Company's own judicial branch, which suspected wide latitude for corruption, interference, and autocracy, the Thuggee Act of 1836 allowed them to be applied on a wider basis throughout India with full authority of the law.

As the mindset of thuggee spread in the later 1830s and became applied more widely to describe and control other kinds of peripatetic groups, the Company began to see thugs everywhere. The theory of heredity mandated that such groups could not be reclaimed, but only surveilled and punished until they ceased to reproduce. The application of emergency powers to such groups resulted in a dual legal system which on the one hand saw itself as protecting individual right according to the liberal European ideal, while on the other prosecuting so-called "criminal groups" with ferocity.

To find this machine "saving hundreds, perhaps thousands, of lives" strains credibility, but will lead us to the next phase of the argument, in which the question opens as to whether thugs really existed in fact, murdering at will throughout the countryside, or if perhaps they were somewhat more "constructed" in nature, imagined as much as discovered by a process of detection which at least in part called them into being. Before taking that step, however, it is appropriate to continue registering Dash's admiration through further demonstration of his rhetorical style. The reason for this is to demonstrate the continuing effects of a rhetorical argument which has been logically and scientifically disproved. Dash is a believer, and his admiration for his subject leads him to ignore if not reject the lessons of critical scholarship and the lasting effects of the thuggee campaign.

Dash frequently concludes certain arguments by locating the voice of appreciation safely within the mouth of a native subject.

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This is an odd and unwitting repetition of the procedure of gleaning confessions from an approver. Mr. Khan's remarks are so trivial there seems little point in including them other than to provide a hint of authenticity. As we will see, native elites had strong investments in the thuggee campaign on both sides of the issue. Nor is it surprising to hear a petitioner curry favor with his superiors. To thus excuse the "excesses" and "harrying" for the larger "appreciation" of the undifferentiated "subjects themselves" seems a labor of bad faith. Dash even attributes the belief in heredity as the determinant of criminal behavior to the approvers themselves (225) rather than their captors, and so the complex machine of genealogies used to prosecute was merely a written transcription of knowledge gleaned from native informants. How could it not be correct?

Dash's attitude towards the nature of Indian society and the British intervention is well summarized in his final chapter, "How Many Dead?" in which he attempts a cost–benefit analysis of the suppression versus the crime. As against the 4,000 men convicted of thuggee up until 1840, Dash calculates that they killed

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To suggest that 50,000 could have been killed by organized gangs, or perhaps "twice that number," by relying solely on colonial police accounts – where the internal range itself varies more than 500-fold – is more than dubious. As scholarly "fact," one hesitates to set this number, with all its

difficulties, against the more provable numbers of those killed by man-made drought and famine in the late nineteenth century in India, so as to weigh Dash's sympathies for the British against their actual record in creating human misery. One could consult Mike Davis's 2001 book *Late Victorian Holocausts* for a statistical estimation of the human toll in "war, famine and pestilence" under Pax Britanica, and find it easily extending beyond even the 20 million victims of thugs suggested by some of the thuggee apologists.[4]

A more complex view emerges from recent historical scholarship into the nature and methods of criminology and policing in colonial India.

Historical Scholarship and Colonial Knowledge

As Sandria Freitag has noted, along with bringing "rule of law" to India, as both its liberal and conservative apologists claim with pride, British colonial rule brought emergency legislation designed to control through extraordinary measures large groups of people it deemed to be a threat to its authority.[5] The Indian Penal Code (IPC) and Criminal Procedure Code (CPC) were adopted in 1860–1, before Britain itself had a uniform code, and at least one legislator remarked that the colony would be the laboratory in which this experiment would be conducted. Before that, Regulation XXII of 1793 dictated the treatment of groups seen to function as collectivities, vagrants, suspects, and nomadic or wandering tribes. Magistrates were empowered to put such persons to work on public projects such as building roads or to imprison them for six months. Their wives or children could be arrested as incentive to bring them into custody.

The adoption of the Codes supposedly legislated an abstract equality before the law, but in actual practice other provisions were progressively put into place to guarantee stability should the laws prove inconvenient to the maintenance of order. Groups viewed as collectivities in essence were treated as corporate bodies rather than as groups of individuals. Instead of the individual liberty granted the "abstract" citizen, criminal legislation frequently created categories of offenses which could be entered into by membership in a particular community rather than by commission of a particular crime. This form of thinking is traceable in the legal field to a great extent to the thuggee phenomenon, but its origins came earlier and its full repercussions would not be felt until the 1870s. It also animated other contemporary thinking on disparate categories such as religion, race, ethnicity, and, most of all, caste, which became progressively reified as the century advanced. Freitag sees the tension between

legislating individuals and groups as a defining characteristic of colonial rule.

As a general proposition, it is possible to see British perceptions of Indians in the early nineteenth century as embodying ideal types (usually quite a bit less than ideal), conceiving membership in a group as sufficient evidence to label an individual as satisfying most or all attributes of that group. Criminal legislation arising out of a presumed emergency, as thuggee was almost universally portrayed, allowed such groups to be treated as wholes and pre-emptively disciplined *en masse* rather than prosecuted as individuals for individual crimes. That this tendency grew at least in part out of the thuggee constellation charged it with intensified violence and the possibility of spectacular exaggeration.

The contemporary historiographical debate over thuggee mirrors to some extent the original perceptions of the Sleeman campaign. Singha avers that "Sleeman and others presented this conflict as a problem of persuading the judicial establishment to 'believe' in the reality of 'thuggee'."[6] Today, the several camps are just as skeptical as to the existence of the original event, but with the added suspicion brought about by recognition of its enduring legacy. Scholarship bears the added burden of having afforded the proof marshaled to convict suspects on the basis of their presumed social identities.

Since at least the publication of *Orientalism*, the study of Europe's world-transforming project of imperialism has been inflected by the methodological emphasis on power/ knowledge. Colonial expansion depended on and itself produced knowledge constructs that aided military and economic domination. We now accept that colonial settings were often immense laboratories in which categories were created to typify and define the large quantities of new knowledge required to contain and administer territories half way around the globe. Both in form and in content, colonial knowledge helped bring into being new typologies for the study of humanity and nature. These new categories were based on vast amounts of often confusing and unfamiliar data, endlessly compiled by servants of empire, and interpreted through pre-existing habits of thought then developing in Europe. It did not always matter to the officials who administered them that their interpretations did not fit the "facts" or the ways that colonized subjects understood them. Veena Das comments on the legacy of the discipline of sociology, for one, when confronted by contemporary Indian practitioners:

> The colonial construction of India had already bestowed it with the narrative of unchanging social forms. Curiously, the new sciences of statistics and ethnology also contributed to the picture of India as an unchanging society

> in which social formations such as caste had endured for thousands of years. This conclusion was, in fact, an artifact of the templates that were used for collection of data. ... These constructions acquired great resilience because they carried the stamp of official approval and because the official archive, in turn, provided the texts through which much of India's past was researched.[7]

Various commentors have developed terminology to describe the ossified conceptual apparatus of colonial power. More specific to India, the study of conceptual categories actually shaping the empirical knowledge that would go on to fill them has a longer history. Francis Hutchins described the typical early nineteenth-century administrator as believing in an "illusion of permanence."[8] Bernard Cohn as early as 1968 spoke of the typifying urge among British colonial administrators: "[H]e did not have to differentiate too much among individual Indians – a man was a Brahman and a Brahman had certain characteristics ... ."[9] In 1986 Ronald Inden applied a specifically Saidian approach to the history of Western knowledge about India in *Imagining India*.[10] Even that most authoritative and even-handed historian of British India, Eric Stokes, writes that British officers of the Indian Army "had recourse to an instinctive belief in the finity of ethnological types, a secular variant in its way of the doctrine of original sin and original virtue."[11]

Many scholars of India have, if not rejected, at least strongly modified this conception of power/knowledge and its functioning for the Indian context. Arguing against Said, C. A. Bayly has little use for the absolutism of colonial power and is far less impressed by the extent of colonial knowledge:

> Often the creation of oriental stereotypes was a reaction to fractious events in India, or to conflicts between official and public objectives which had to be resolved by creating ideological categories. Thus when information panics and ideological frenzies overtook administration, as in the case of Thuggee, widow-burning, human sacrifice or witch-killing, it was evidence of the limitations of colonial power and knowledge, not the effectiveness of its projection on society. As with panics over witches, heretics, Jesuits and freemasons in Europe it reflected the weakness of the new quasi-bureaucratic state in its own hinterland rather than premeditated attempts to master society.[12]

Nonetheless, most observers agree that the anti-thug campaign was a "success" in terms of expanding the power of the British into realms they had not previously controlled, and in the process, or as constitutive of that process, expanding knowledge into vast realms of native society they had

not previously understood. But what was the nature of that knowledge, and what was its effect, as exercised through military and police suasion, on Indian society?

The Thuggee Debate

There is a host of scholarly writing that casts considerable doubt on the whiggish narrative laid down by Dash. This writing reveals also many crucial characteristics about the nature of the knowledge produced in the process of ruling India. Amal Chatterjee in his *Representations of India, 1740–1840: The Creation of India in the Colonial Imaginary* (1998) has taken an extreme Saidian position, considering the thuggee phenomenon a mere chimera of the colonial imagination: "[I]t was a fiction that served all the interests of British power in India: trade, the conflict between the True God and false ones, the strength of English arms and, above all, it was convincing proof of the complete moral superiority of the 'advanced' European over the 'primitive' Indian."[13] A more scathing critique of the orientalist vision could hardly be ascribed to Said. The suppression of thuggee is thus seen as a senseless act, its defeat worthy of indignation: "The English were unstoppable, their moral superiority delivering even the most cunning offenders into their hands, ridding the subcontinent of a hitherto successful inhuman practice" (131).

Chatterjee's derision towards the misunderstanding of the British is so great that he reduces their actions to merely punitive ones, "demonizing a 'primitive' India," rendering "inhuman" its inhabitants (125), cloaking in "superstition" and "evil" their knowledge. Fueled by paranoia, the British perceived a "fantastic plot by almost all sections of native society to deceive the English officials" (133). An interesting but finally unsupported emphasis in his brief treatment suggests the "inconsistencies and romancing that riddle the story" (125). This is a tack we will follow in what is to come. Rather than pursue this line of interpretive reasoning, however, Chatterjee is content to place before the reader extended quotations from those whom he considers the three main "publicists" of the thuggee campaign – Sleeman himself, novelist Philip Meadows Taylor, and chronicler Edward Thornton – and allow them to reproduce the imaginary creation of India in lurid detail along the thematic lines described above. He does not attempt to point out the "inconsistencies and romancing" at much length apart from ridiculing these anxieties. In one of his few factual statements Chatterjee actually provides details about the procedure of acquiring evidence from "approvers," a practice he equates with "the Inquisition or a witch-hunt"

(141), but without drawing any larger implications for narrative construction or "romancing."

Thus Chatterjee's ironic voice implies an alternative version of truth but without stating that truth positively. Against the fantasies of the British stands some substantial Indian reality their blinkered perspective prevented them from seeing. Although Chatterjee does not state this truth in a positive sense, he does impute the degree of unreality in British thinking to a faulty conception of Indian reality. This reality is closer, presumably, to the lived experience of the critical ironist, but no more descriptive account of what may have motivated Sleeman, or what the misunderstood thuggee might actually have been, is possible than the paranoid fantasies of "moral courage, steel will and Christian faith" (141). The thug hunt is merely orientalism run amok, mad people shooting at hallucinations. Obviously the same conceptual universe cannot accommodate both Dash and Chatterjee. This necessarily calls into question the representations of each. What is so difficult about knowing the past that it can only appear wholly as fact or as fiction, but not as some mixture of the two?

Another possibility is represented by two scholars, Kim Wagner and Martine van Woerkens, each of whom has excavated laborious evidence for the existence of thug gangs by wading through the archives of the Thuggee Department. This office was created in the 1830s in Jabbalpur with Sleeman as its head. After Sleeman had been prosecuting thugs for six years, executing almost 500 of them, the East India Company's government in Calcutta institutionalized his efforts in the form of this special police force, and further legitimized its authority with the passage of the Thuggee Act of 1836. The papers are dispersed over three locations in India (Bhopal, Delhi, and Nagpur) and the Oriental and India Collections of the British Museum. In addition, the private collections of Thomas Perry, Magistrate at Etawah, who first described the thug menace in 1808, and James Paton, Sleeman's assistant at Lucknow, are extensively utilized. Wagner and van Woerkens have sifted large portions of this archive to tell particular tales. Their work goes the farthest in arguing for a coherent identity for organized gangs of murdering thieves, each resisting Dash's melodrama and each far more skeptical towards his or her sources.

Unfortunately, their conclusions are antithetical. Van Woerkens utilizes a hybrid methodology in her book *The Strangled Traveller* (2002) both to demystify orientalist stereotypes (which most certainly exist) and to reconstruct a more authentic background for the thugs, whom she views as erased from an accurate history by virtue of all the passion and speculation surrounding them. On the one hand, van Woerkens rightly sees the legacy of thugs as a fictional construct embodying the anxieties of their erstwhile

captors. They reappear again and again in history as a kind of principle of conquest, an image of absolute evil that must be defeated repeatedly by virtue of the greater intelligence and ethical fiber of the police. From Meadows Taylor in 1839 to the "Indiana Jones" movies, thugs have reappeared in multiple times and places to eulogize the "criminal idolater and the heroic colonizer."[14] For van Woerkens, Meadows Taylor the novelist thus became the most accurate chronicler, because he consciously invested his fictional thugs "with the values and key ideas of his own culture regarding the family, psychology, and the unconscious," making them "modern hero[es] pulled in different directions, close to us and thus opposed to Sleeman's extreme dehumanizing vision of a state of nature that preceded the age of reason" (260). In other words, "the truth of the thugs" is not merely that they existed in fact *but also and simultaneously* that they were projected as a fantasy of difference crucially tied to the identity of the European self being constituted at that time in colonial India.

Van Woerkens sees this dynamic operative in the early years of the thuggee campaign as well, in crusades motivated by pride, personal ambition, political gain, and a large dose of incomprehension. The subjective factors clearly color the official picture.

> By claiming to accomplice a civilizing mission, the colonial state defined its right to monopolize legitimate physical violence through its laws. Its representatives adhered to this dominant ideology. They organized prosecutions and trials, they condemned the Thugs by inscribing their exceptional experience and knowledge into a discourse determined not only by truth, but by career and glory, by social relations and the desire for power. (5)

On the other hand, van Woerkens argues for an ancient genealogy of actually existing thugs predating the Muslim invasion of India, a coherent religion binding them, and a practice of ritual murder shared in common. Wagner comments quite rightly that "van Woerkens seems to have fully embraced the colonial representation."[15] Despite her deconstruction of the popular mythology surrounding the event, and her acute recognition of the usefulness of the thug story in generating and allaying popular anxieties, her *re*construction of a presumably more plausible past is undone by her reliance on the original archives. In a kind of hall of mirrors, one debunks the later stereotype in order to uncover the original stereotype (Sleeman's creation), then culls from this "original" "the truth." Wagner makes a telling point which he himself does not follow scrupulously enough: "Sleeman would not have included and published any material that did not corroborate his stereotype of thuggee, and thus 'Ramaseeana' is reflective

of Sleeman's understanding of thuggee rather than that of the thugs themselves" (947). Many scholars like Wagner recognize the archive itself as partial and distorted by preconception and misrecognition, and understand that reliance on it colors the representation that follows. Oddly, van Woerkens embraces this archival parallax despite her own skepticism towards the thuggee of literary representation. Satadru Sen refers to it as a form of "Indological hell."[16]

Wagner hopes to resurrect the thugs on their own terms, seemingly unmediated by the distortions of the colonial archive. The primary target in his article "The Deconstructed Stranglers" (2004) is the "postcolonialists" and "postmodernists" who draw from literary theory some insights about the instability of representation and apply those lessons to history. For Wagner, this seems an ill-suited approach. Special disdain is heaped on Chatterjee, but generous portions are reserved for two other scholars, Maire ni Fhlathuin and Parama Roy, to whom I will return in a somewhat different mode below. In Wagner's estimation, deconstructing the "thuggee archive" is tantamount to claiming there was no historical existence to the thug; although he acknowledges Sleemann's interested self-censorship, to suggest that thuggee was "mere" misunderstanding, stereotyping, or orientalist construct without any actual referent is to reduce him to either conspiracy or paranoia. "Since Sleeman and the other British officers claimed to be representing facts, the deconstruction of the accounts involves an implicit deconstruction of historical events they were describing" (936). This equation, however justified (and we will see that it is not), has horrendous consequences: "[I]f thuggee was a colonial construction then who were the four thousand men convicted of the crime?" (936). For Wagner, "something must have happened," and his faith in the positivity of historical facts will allow him to prove what it was. For him, the truth about what happened is derived from a dialogue, mediated by the historian, between two often contending parties, the colonizer and the "indigenous."

Even though the records may be considered distorted, Wagner feels it is possible to retrieve from them "an indigenous perspective" (955). Such a jejune position ignores the difficulties of this retrieval. Wagner asserts that in the depositions of villagers questioned about the killing of a British lieutenant in 1812 near the village of Sindouse, "all witnesses, including the accused, explained that most of the zamindars in the villages of the area were protecting thugs" (957). They used the appellation "thug" to describe soldiers and marauders who borrowed money from the landlord to go out on looting parties, returning 25–50% interest on their loans. Thuggee was "fully institutionalized" within village society, constituting a regular source of income for both the village and the state, and was thus "a fully integrated

part of the village and even more so, the plunder definitely was part of the village economy" (958). This had long been asserted by Sleeman, who noted that, until he "discovered" it, thuggee had operated right under his nose and was absolutely normal and ubiquitous.

Wagner examines a tax-list from 1797 "which listed 318 thugs from Sindouse who paid a regular 'thug-tax' to the Maratha state." Sleeman fortunately published a form of the list as an appendix in *Ramaseeana*, and although the original is now lost, "it must be regarded as one of the most important sources in the study of thuggee." The list confirms the prevalent belief that "almost all groups within Indian society could practice thuggee" (958, n. 75). And yet the term was one of opprobrium to the British, and local elites understood this and used the accusation against others to further their own ends.

In the case of Lt. Maunsell who was killed by thugs at Sindouse in 1812, the narrative is fairly straightforward to piece together. As the result of a land dispute, one zamindar accused another of harboring thugs and informed the British of this. The accused zamindar fled with his family and retainers to the ravine country, where they expected to be attacked and therefore tried to defend themselves. When the British troops arrived, and while making a routine inspection, their local guide further incited the crowd with provocative remarks harking back to an earlier land dispute that had been long-simmering. In the scuffle that followed, the British lieutenant lost his life and the myth of thuggee was born. Wagner comments:

> Basically we have just about as many misunderstandings as virtually possible. [The official] thought that he had been ambushed while taking a leisure ride, while the villagers thought they were about to be attacked and therefore tried to defend themselves. In other words a classical example of misinterpretation based on mutual distrust that just escalated. And this is how frightened villagers became rebels and supporters of thugs in the eyes of the British … . (960)

This is an entirely plausible explanation of what happened to Lt. Maunsell, but does not, in my view, sufficiently emphasize the "misunderstanding" and "misinterpretation" of the event, or the extent of predetermination in British minds about potentially rebellious natives.

In Wagner's estimation, "The British had had a very tangible demonstration of how easily the 'heinous crime' of thuggee could develop into a full-blown rebellion – as they perceived the affair" (960). British perception registered organized predation as rebellion. Practically any organized initiative was viewed with suspicion, its members "beyond the pale" and subject

to lethal force. Wagner acknowledges that "the encounter with thuggee had a profound influence on the shaping of the colonial state and the implementation of police and rule of law" (961), but does not sufficiently note the mindset that anticipated the confrontation, here given concrete form and ideological fuel in the creative stereotyping and "practical orientalizing" that commonly occurred at the margins of understanding. The event in Sindouse solidified the preoccupation from an earlier period with controlling the behavior of wandering bands. The British party rode into a situation that did not take them by surprise, at least conceptually. Decades of attitudes had been preparing them for encounters with "criminal gangs" that were better suppressed in the interest of authority.

In her authoritative account of the development of law in early colonial India, *A Despotism of Law* (1998), Radhika Singha notes ample precedent for rounding up "usual suspects" and "imposing a chain of responsibility" in the absence of concrete evidence.

Governor-General Warren Hastings had proposed enslaving the families of dacoit gangs in the 1770s. In the 1780s and 1790s we see the tension between individual and collective conceptualizations of the legal subject growing more acute.

> Colonial regulations were formulated on the notion of individual responsibility for a particular offence. However, there were police instructions relating to "bad-livelihood," "vagrancy" and "criminal tribes" which would draw upon such associations between a wandering lifestyle, low social status, and criminality, but take them much further in their implications of social marginalization. Such prescriptions also indicated a greater ambition towards extirpating a certain way of life than is evident from the policies of indigenous regimes. The police darogha [senior officer] was supposed to apprehend not only any "notorious" dacoits or robbers but also all "Geedur mars, Malachees, Syrbejuahs, or other description of vagrants ... lurking about ... without any ostensible means of subsistence ...". [A]rrest and indefinite detention could follow from the assessment of community affiliation and a certain "disposition", rather than from a specific offence.[17]

The "disposition" of "notorious characters" such as were found in the ravines provoked a strenuous effort of definition. Based on past precedent, these newly discovered thugs and the threat they posed were called into being precisely by the labor that attempted to understand and apprehend them; they were gradually produced as subjects of knowledge from the mental act and social practice of trying to place them within the hierarchy of what was previously known. Ideas were developed, conceptual grids were laid down, and individual Indians slowly came to embody the sketchy out-

lines first invented to describe them. *Contra* Bayly's assertion that stereotypes followed from failures of practical knowledge, in the case of thuggee we seem to have as much a pre-formed predilection to "extirpate a certain way of life."

Wagner minimizes the epistemological point, however, that might take him to a fuller comprehension of colonial knowledge, not just as "misunderstanding" but as constitutive of its objects. He too quickly embraces verification in a "subaltern" acknowledgment of thuggee, the rediscovery of popular consciousness in the villages of Sindouse and Murnae, "a living oral tradition concerning the thugs and the British hunt for them … a continuous bandit-tradition in this village for almost 200 years if not longer" (961–2). For Wagner, this popular recollection seems to prove the point that thuggee did in fact exist in something like the specificity animating the records that enabled its suppression. Far from the religious cult imagined by the British in 1830, and embroidered with ever more flamboyant fabric, Wagner knows what it is and was: "[T]huggee was the continuation of a predatory lifestyle under well-regulated circumstances by men thus deprived of the means for open plunder. … being a thug was not a caste-like identity, thuggee was not motivated by religious zeal and it was certainly not centrally organized" (963).

Thugs were not only a stereotype, although they surely became one, but from a recipe of obscure parts they were gradually envisioned as a rebel force that threatened the stability of British rule. In a direct linkage to what will become the Criminal Tribes legislation explored below, rebellion or its potential structured the conceptual category of who was outside the law. Following the defeat of the Marathas in 1819, seemingly organized challenges to the law's authority were imagined to constitute a threat to the East India Company's new authority as paramount ruler. The specter of thuggee as organized violence tested that assertion by what seemed a coordinated band working in concert. In the practice of its suppression a legal framework took shape that registered certain themes of established law while reserving and exercising a state of exception appropriate to paramountcy over and beyond the framework of the law. Perpetrators of thuggee were treated as a race apart, beyond the pale of civilization and subject to extermination. The "thug" village of Murnae was burned to the ground and its ashes plowed under in an unmistakable demonstration of authority.

Even at opposite poles of the debate, both Chatterjee and Wagner are "right." There is ample factual evidence to argue for the existence of thuggee (the tax role), just as there is convincing proof of the exaggeration of highway banditry into a countrywide conspiracy to overthrow British rule.

Anxiety and Empire

After van Woerkens in the sphere of popular culture, in which she shows thuggee to be a recurring principle rather than a discrete historical phenomenon, historian Tom Lloyd and criminologist Mark Brown have taken the historiographical implications to their farthest theoretical conclusions. Differentiating between "discursivist" and "materialist" positions on the relationship of story to truth, Brown describes the assumptions of positivists like Wagner and Dash, for whom "the communications of colonial government are given center ground, imagined, as it were, as a discrete universe that in some way operates outside of culture." This makes of the historian in his archive "an objective observer outside discourse itself."[18] Lloyd notes that van Woerkens, Dash, and Wagner do not share an unproblematic relation to the past, but each does engage an empiricist belief in the reliability of facts and the transparency of their representation: "[A]ll show an awareness that no sources on 'thuggee' offer a window on the past … yet each believes that these misrepresentations can be stripped away in favor of uncovering a truer representation. So true, in fact, that it outflanks the problems of representation itself to present an unmediated version of the facts, 'a stable, underlying truth.' "[19] This view maintains the objectivity of the official document and the possibility of its unmediated retrieval. While the positivists each acknowledge bias and distortion in the original accounts, each feels the misunderstanding is explainable and correctable through the more conscious application of additional facts.

Wagner decries such criticisms as moral polemics directed against colonialism by postcolonial deconstructionists trapped in a methodological hall of mirrors. "How can one criticize the British for being biased and distorting the image of India when the Indian 'reality' is not dealt with? They are not interested in the relationship between the representation of the Orient and the Orient itself" (937). Dash accuses the (unnamed) "revisionists" of betraying their lack of familiarity with the primary sources. He does not cite Brown or Lloyd in his bibliography, singling our Parama Roy for the brunt of his criticism and allowing her to stand in for the "new generation of literary critics" for whom "Thuggee … never existed at all" (xi). Among the main motivations for this attitude, according to Wagner, "is the vilification of the British. … An implicit distrust of the motives of the British in India" (938).

Indignation at criticism and defense of the colonial authorities permeates Dash's account as well. Ironically, the defensiveness of both Dash and Wagner seems an echo of the very similar anxiety uncovered by Roy in her

meticulous charting of the subject positions opened up by the detection, apprehension, and prosecution of thuggee. Lloyd comments, "[T]he malleability of the 'thug' figure, and the historically locatable literary and gender tropes applied to 'him' ... provoked anxiety among the colonizers' about the reliability of their information on the 'subject' population" (369). The constellation of representations enabled British administrators to articulate their contradictory attitudes towards colonial rule in fictions of otherness that addressed various dimensions of their experience in symbolic form.

Brown is undoubtedly correct to point to the Foucauldian implications of the historiographical debate. What is really at stake in the disagreements over thuggee is the antagonism between different stances on the nature of truth in the context of colonialism, "the success of the regime of truth in producing an objective reality" (14–15). Refreshingly, the context of colonial India provides abundant empirical evidence of such a regime becoming articulated precisely around the legislative questions raised by thuggee, and is recognized not only by literary critics but by historians, sociologists, anthropologists, and many others with long association with Indian "facts" and the determining epistemological contexts of colonial conquest. Indeed it is quite possible to deconstruct thuggee without recourse to theory at all, without disbelieving in the thugs themselves, and without rancor towards the British. It does require an adjustment of perspective on the nature of British rule, however, which I feel is provided by three exemplary "revisionists": Radhika Singha, Sandria Freitag, and the aforementioned Parama Roy.

Innovation and Authority

Radhika Singha is a decidedly "materialist" historian whose research findings call into question the distinctions between historians and literary critics, positivists and theorists, apologists and critics of British rule. In a meticulously detailed, sixty-page article with over 260 footnotes published in 1993, Singha elaborated the "providential circumstances" leading to the special legislation that allowed the prosecution of thuggee in defiance of some of the most fundamental cornerstones of English law, and indeed of the enlightened self-image of the British in India. The Agent to the Governor-General at Sagar, F. C. Smith, and Sleeman, his Political Assistant, had conducted their operations since 1829 without explicit sanction from East India Company headquarters in Calcutta, and despite significant opposition from courts and administrators in the districts under direct Company control. A precedent was set when Chief Secretary George Swinton, principal assistant to Governor-General William Bentinck, in a letter to the

Resident at Indore, agreed to a sentence of capital punishment against a gang of confessed murderers who admitted to being "thugs." Smith and Sleeman interpreted this decision to mean that the Political Department operating in native states, rather than the Judicial Department as in the regulation territories, would have jurisdiction to prosecute this extraordinary crime. Swinton's sentence stated the "inhuman monsters ... may be considered like Pirates, to be placed without the pale of social law ... ."[20]

Sleeman was soon appointed Superintendent of thuggee operations, and trials began to be held by the Residents of Hyderabad, Lucknow, and Indore. Some Residents protested, as at Gwalior and Rajputana, that this intrusion into native sovereignty strained the relationship between the Indian states and central authority. They also balked at the use of approvers or native informants to implicate suspects, and to the practice of transporting suspects to sympathetic courts a long distance from their capture. Only in 1832 did the Court of Directors in Calcutta approve these practices, and then only for application in newly acquired territories or in the native states. It took six years of experimental thug trials before their costs were transferred out of the budget for administration of the Sagar and Narbada territories and added to that of India as a whole, an indication of their legitimacy. It took an additional year to attain the passage of Act XXX.

Thus after seven years of dubious sidestepping around long-established principles of due process and abstract equality before the law, which vested police and prosecutors with enormous emergency powers, the central government in Calcutta passed the so-called "Thuggee Act" of 1836 that extended procedures developed under Sleeman throughout the subcontinent, making them effective as well in territory the East India Company did not control directly. This represented an immense expansion of legal and policing authority in the exercise of paramountcy, and mooted prior fears of arousing resistance through interference. Now the thug police could pursue their targets across the boundaries of native states, nominally sovereign territories, and transport them through still others to try them in favorable jurisdictions. "The thuggee operations added to a range of other pressures to reshape the politics of the Indian states in line with the commercial, fiscal and military imperatives of the Company, even as intervention on their internal affairs was constantly disavowed."[21]

The thuggee prosecutions, while resting on extremely thin legislative precedent, proved to be militarily and politically convenient. Legislative innovation forwarded the expansion of government and military authority. Had the trials been conducted within the regulation territories, they would have come under the scrutiny of the superior court, the Nizamat Adalat,

with its qualitatively higher standards of evidence. Sleeman himself admitted that had this procedure been followed the scourge of thuggee would not have been defeated in his lifetime. The great "success" of the prosecutions within the non-regulation territories of the Central Provinces eventually convinced the government of the great threat posed by this system and the need to extirpate it. Singha asserts that "these laws … were … an aggressive abbreviation of judicial procedure which gave the stamp of due process to crude devices of policing and prosecution."[22]

Singha charts considerable resistance to this project from various strata of the East India Company administration, mostly from the courts of the regulation provinces but also from the Collectors and Residents in the princely states who feared being perceived as interfering with native affairs, who resented the expense of hiring additional police and judges, or who simply did not believe in the existence of thugs. "At one level the 'thuggee' and 'dacoity' Acts were an effort to clothe crude devices for securing conviction with the semblance of 'due process.' But they were also defended by cultural arguments about the peculiar characteristics of Indian society or by the 'backward' state of Indian civilization."[23] The threat of thuggee came to embody a specifically Indian otherness. It was seen to be organized on a religious basis (the fundamental reality of Indian society as opposed to the "official" secularity of the Company state), it was inhumanly ruthless, and was hereditary, a born disposition that could not be reformed and so had to be exterminated. Its discovery was consistently portrayed by Sleeman as an emergency, but not an anomaly; it was a sudden revelation into the true nature of India.

Thus the ensuing legislation represented a striking example of draconian power slowly being incorporated into the mechanism of "rule of law." The atmosphere of presumed emergency masked its fundamental illegality. In the larger perspective of colonial India, Singha frames this as a "despotism of law." British rule demanded law, but the fundamental divergence of India from the enlightenment ideal dictated a different kind of law. The observed assumption of extreme cultural difference, as embodied by barbarous practices such as thuggee, disallowed full implementation of the ideal. It is fascinating to observe the mechanism by which this process takes shape for it has fundamental implications for how we understand colonial knowledge in general and the implementation of colonial rule in particular.

The thuggee campaign and its ramifications were enabled by two related yet widely divergent elements: it took shape in a very specific socio-political context in need of extensive study and analysis by the governing authorities to determine its proper administration, and in which large conceptual abstractions about the native other were allowed to flourish. Singha:

> The position of the Sagar and Narbada territory was particularly strategic for the launching of operations, surrounded as it was by a varying and decentred topography of Indian states. These districts had been annexed from the Maratha rulers in 1817–18 and were classed as a "non-regulation" area, administered by an Agent to the Governor General who was responsible only to the Supreme Government. Legal procedure was kept very loose because of the recent acquisition of the area. It was supposed to rest on the "spirit" of the Bengal regulations but with a due regards for local usage. In 1836 F. J. Shore, while criticizing the lack of supervision in the Sagar and Narbada territories, noted that this had made it "in fact a theatre for the experiments of incipient legislation."
>
> The other feature of the campaign was the way in which all the "knowledge" of thuggee expounded by the officers of the Thuggee Department gave legitimacy to the procedures adopted for its prosecution. It was not in fact the cracking of some "code" which put these officers in a position to hunt out thugs. The main source for compiling lists of suspects and accumulating evidence for their conviction remained, as before, the testimony of accomplices who had turned "approvers." But the extensive recording of thug beliefs, slang, and "superstition," seemed to authenticate the difference between the hereditary cult-oriented criminal and the casual offender; and this won the case for the special procedures.[24]

These conceptual abstractions, nurtured in the open but surrounded topography of Sagar, included the early understandings of caste and religion as seemingly ancient, rigid, and fixed categories. Socio-cultural explanations of otherness combined, in an arena of relative innovation but under threat of isolation, to determine a pseudo-scientific discourse about heredity. These two uniquely Indian institutions provided immense leeway for improvisation among British experts. Caste would not become a rigid marker of identity until the Census of 1881 actually fixed a limited number of categories among which respondents were forced to choose, but certainly by the 1830s the theory of heredity was impinging on notions of occupation, education, belief, and social hierarchy crucial in determining alliances between British rulers and landed elites.

Heredity could help explain why certain occupations, particularly the most distasteful, seemed to descend to certain families; cult-status, seemingly proved by the elaborate recording of cultural traits and superstitions, distinguished the organized conspiracy from the individual act. A rigid theory of caste proved reassuring in that it defined identity in immutable and readily recognizable ways. When caste could not be relied upon to cement the identification of the individual with the thug profession, as its lore suggested a wide range of occupational differentiation, the cult dimension marked participation in thuggee as determining of individual identity.

The attribution of cult status to thuggee allowed it the flexibility of a multifarious association but within the framework of religious compulsion. Uniquely Indian, caste and religion combined to support the vision of an eternal orient, timeless and spiritual, but nonetheless amenable, through knowledge of its practices, to European enlightenment. "Thug" condensed these strands of abstract speculation into an empirically verifiable object of police surveillance and legal control.

Singha describes a somewhat unreal situation in which the trappings of law yield repeatedly to the exigencies of power under threat of total failure. Thuggee embodies a long history of extra-judicial repression in the name of law and order.

> Act XXX of 1836 had many novel features: it applied with retroactive effect and it extended the jurisdiction of the Company's courts for this offence to territories outside the dominion of the Company. In addition, the offence could be tried in any court of the Company irrespective of where it had been committed, and trial would proceed without the forms of reference to Islamic law. But the strangest feature of this enactment was the use of a cant term "Thugs" without explaining what precisely the offence of "Thuggee" was. That such a term was acceptable at a time when a penal code upholding precision and exactness was on the agenda is an indication of the success of a publicist campaign in official circles. Everyone knew what "thuggee" was, except for a few pettifogging judges.
>
> The conception of communities socialized to criminality, with its members plundering or robbing as a "profession," did not suddenly emerge in the 1830s. The theme has a history coterminous with the very inauguration of the Company's judicial initiatives. In Bengal Warren Hastings had sought to institutionalize judicial authority, to centralize dispersed jurisdiction and to separate revenue collection from the exercise of justice. On the one hand Hastings stressed the need for uniform procedure, on the other he introduced a special provision, Article 35 of 1772, which extended punishment for dacoity from the individual offender to his family and village. This was justified on the grounds that the dacoits of India were not like other criminals, they were "robbers by profession, and even by birth; they are formed into regular communities. …" Hastings also argued that conviction under Article 35 should be allowed on the grounds of "public notoriety" for dacoity; professional crime had to be punished on different standards of evidence from those applied to the offender charged with a single crime.
>
> The theme of "criminal communities" occurred not only in a judicial context but was also used to justify special executive powers or punitive drives of various sorts. The targets of such measures were supposed to have placed themselves outside the pale of society, thereby forfeiting their claim to the protection of regular procedure.[25]

Singha concludes that the thuggee campaign "was woven into a political elaboration of paramountcy … through a rhetoric of authoritarian reform."[26] Within this weaving we find a complex tale of legal innovation based on "the most enlightened legislation" closely twined with political machinations, gross racial stereotypes, economic self-interest, publicity, and self-promotion, well pitched to appeal to "all shades of reform opinion, both Evangelical and Utilitarian."[27]

From Criminal Communities to Symbolic Authority

The notion of hereditary crime had been employed opportunistically to bridge the difference between individual acts and collective identity. Singha notes how the thuggee legislation allowed criminal *intent* to be deduced from collective *identity*:

> To integrate the thuggee trials as they had been conducted into the existing framework of criminal justice, the concept of the "professional/ hereditary" criminal had to find expression in substantive law. Act XXX of 1836 rested on the proposition that criminal intention could be assessed not only from a specific criminal act but from the characteristics of a collectivity. These characteristics were believed to spring from a rooted "way of life" criminality which, however, was not defined by the Act.[28]

Part of the advance over pre-existing Islamic law marked by the adoption of English law was revealed in Act XXX precisely as symbolic authority, as a "shift in the modes of legal resolution from 'private' restitution to punishment on behalf of 'public' justice."[29] This meant that *intention* could be adduced from public character or reputation, and the potential "attempt" to commit crime could be inferred from circumstantial evidence such as proximity to a crime or knowledge of techniques used to commit it. Regulations as far back as 1803 called for imprisoning with hard labor anyone apprehended *before* committing a crime if intention could be deduced; in 1811 a further regulation allowed for the apprehension of persons found with certain tools that could be used for housebreaking.

Criminal intentions could be deduced from the "profession" of the accused, usually linked to caste, predominantly through heredity. A further presumption was that such hereditary criminals were unreclaimable and therefore required permanent and extraordinary solutions. One such solution was transportation for life to a penal colony in the interest of protecting society from their pernicious influence.

Guilt by association or intention considerably lightened the burden of evidence for prosecution. "The general charge of belonging to a thug gang was certainly easier to establish than the specific charge of murder."[30] Act XXX of 1836 and Act XXIV of 1843 made it easier to prosecute individuals by virtue of their relationship to the collective in the event that specific evidence could not be produced. The "professional dacoit" defined by Act XXIV, for example, was even more vague than the thug that had not been defined in the 1836 Act. It called for conviction of "certain tribes" engaging in "lawless pursuits," but did not define those pursuits, preferring the offense to be membership in a "gang of dacoits."[31] Act XI of 1848 widened the net to "any wandering gang" that was not one of thugs or dacoits, but was believed to have criminal intentions, however defined.

Among the most brilliant legal innovations to bring the authoritarian procedures authorized by Act XXX into conformity with "rule of law" was to change the status of the approver. Where formerly he had been granted a pardon for his admission of participation in crime in exchange for his evidence against accomplices, this quid pro quo naturally raised questions as to his objectivity, impartiality, and truthfulness. How could a convicted criminal be trusted to tell the truth? The hereditary and irredeemable nature of his profession additionally cast doubt upon his veracity. However, the centrality of approvers to the process of prosecution dictated a legal solution to the taint of a reliable accomplice. Macaulay himself advocated in Act XIX of 1837 the "universal law which stated that a convicted man was not incompetent to be a witness."[32]

Removing suspicion of the dual standard of evidence which had hung over the prior use of approvers, Act XIX allowed their testimony to be admitted, although not accorded the enhanced credibility it had enjoyed previously in the thug trials at Jabbalpur. This Act reduced the strength of the full pardon they had received formerly to a lesser exemption from capital punishment and transportation. By pleading guilty to the lesser offense of belonging to a thug gang, the approver was assured of not being tried for murder but could still be detained almost indefinitely.

The net effect of the legal innovation characterizing the thuggee process was to maintain "stable, centralized mechanisms of rule" and to assert "a 'despotism of law' over that of 'arbitrary' native despotism."[33] "This 'systematization' imposed on the crime of thuggee mirrored the new role outlined for the paramount power."[34] Colonial law was a legitimation of colonial despotism. Thuggee illustrates how the rule of law became a mask of conquest.

Colonial Knowledge as Failure of Justice

Sandria Freitag has pursued the implications of the thuggee event for later legislation concerning "criminal communities," which in turn leads her to redefine the space of law within the overall framework of colonial knowledge and power. We will consider both her practical examples and theoretical conclusions in the next chapter, on social science epistemology. In the context of thuggee, Freitag finds a crucial component of British power. In her view the British were less concerned with instituting rule of law than in establishing their singular and uncontested authority over native society, but this authority rested paradoxically in the *perception* they were exercising a rational and just rule. They wished to be perceived as the sole paramount sovereign, exercising power over every important phase of life, and in so doing acting as harbingers of European enlightenment and civilization. The tension between rational law and hegemonic authority was illustrated most visibly in the treatment of "collective crime."

Freitag notes a "fundamental distinction" in the perception and treatment of "crime committed by individuals ('ordinary crime') and that committed by collectivities ('extraordinary crime')."[35] Always eager to contain costs, the colonial state directed minimal resources at controlling individual crime. In the areas under its control the established law and policing functions "*conveyed the impression* that the 'rule of law' had been introduced ..." (230, my emphasis). In areas to which it would direct future attention, however, emergency powers were arrogated to contain any hints of dissent or rebellion. "The British perceived collective criminal actions to be either directed against, or weakening, the authority of the state" (230). This dual system was not seen as contradictory or anomalous; gradually the extraordinary power was embedded in the ordinary one, making the extension of rule of law actually a veneer of legality painted over a framework of emergency powers.

Through successive iterations of the thuggee anomaly and the innovations it spawned, prosecutorial energy became directed at ever-expanding numbers of people. Such prosecution combined the high rhetoric of abstract universality before the law with pernicious intolerance for whole ranges of practices, and practical techniques of suppression and extermination with symbolic gestures of tolerance and leniency. This was consistent, as Singha observes, with the overall framework of English law in India.

> The imprecise definitions of the criminal community, and the increasing range of such targeted collectivities – thug gang, dacoit tribe/ gang, wandering gang

> – meant the generation of an expanding and fluid space for prosecutorial licence right within the legal framework. Such features of the legislation also reflect the difficulty of setting up mechanisms of policing and prosecution which could bring the specific offence home to the individual offender. In a sense all the "knowledge" generated so voluminously by the Thuggee and Dacoity Department about thugs and "hereditary" dacoits actually disguised this failure.[36]

Mark Brown, following Bayly, urged us to see thuggee as a "crisis of governance – a kind of moral panic – reflecting deeply felt anxieties about [Britain's] tenure on the subcontinent."[37] Thus viewed tragically, the production of knowledge of generalities such as caste, race, heredity, profession, and so on, can be seen in part as a supplement for the failure to guarantee individual rights and security under so-called "rule of law." Rather than knowledge as power or as positivity, as truth of essence or fact of appearance, the specifically colonial form of "knowledge" about Indian difference functioned as an excuse for the failure of the British to extend enlightenment to their Indian subjects.

Of all the commentators on thuggee, Parama Roy has most comprehensively addressed the anxieties that accompanied this failure of knowledge, and in turn placed the question of representation at the center of the historical debate. Perhaps it is this emphasis on weakness, fear, and ambiguity that earns her the special ire of historians such as Dash and Wagner, so confident in their ability to marshal facts and shed light on dark practices. British anxiety towards the thugs manifested itself at least partially as excessive admiration for their "nobility and chivalrous instincts." General Charles Hervey, writing in 1862, described them as "specimens who in habitual courtliness and fair faith, were clothed with both dignity and manliness."[38] Such qualities boosted the British self-image as heroic vanquishers of worthy enemies, and also allowed these noble opponents to become allies when properly tamed. Although Sleeman was not the first to utilize approvers' testimony, he institutionalized the system of evidence that relied on it, a system that became "virtually irrefutable."[39] Approvers became the intimate informants on whom the entire process depended. Thus at the heart of the emergency operation of extraordinary prosecution lay the native subject himself, modeled into something admirable and virtuous, confirming the British self-image of gallant warrior, convicting himself with unshakable imagination. Yet these informats, drawn into the heart of the colonial system of justice, were themselves suspect, and their colonial superiors recognized this insecurity: "[B]and leaders of especial notoriety sometimes entrenched themselves as the 'pets' of a particular officer who would

call upon them to regale European visitors with accounts and demonstrations of their craft."[40]

This intimacy with and reliance upon the native subject provoked considerable anxiety in the self-understanding of the governing power. Roy explicitly focuses on three moments of doubt in colonial discursivity: "the colonizer's fascination with going native, the English miming of Englishness, [and] the indigenous miming of indigenous subject positions."[41] She links these moments or scenarios to three additional colonial representations of hereditary crime: (1) the criminal as engaging in unalienated labor/ "the sheer lust of killing"; (2) the "homoerotic subtext"; and (3) "nationalist violence" (46), asserting that thuggee was "outside a realm of political and economic rationality" and was thus "a particularly potent threat to the authority and benevolence of the empire in India" (47). This "illogical hybridity of *thuggee*" by which a thug could inhabit "discrepant subject positions" as "an exceptional criminal *and* a representative Hindu" resulted in a "diabolical signifying system" that "raised the question of how far the circuit of criminality actually extended." "Everything and everyone was liable to suspicion" (49–50). Far from the confident "machine" portrayed by Dash, thuggee is now a psychotic obsession.

Roy compares this condition to that of the "hysterical" homosexual described by Foucault: "The nineteenth-century homosexual became a personage, a past, a case history, and a childhood, in addition to being a type of life, a life form, and a morphology, with an indiscreet anatomy and a mysterious physiology. ... the homosexual was now a species" (quoted, 52). "Knowledge of *thuggee* as an essence then had to be constructed, crucially, around an absence; and all the confessions, all the subject effects produced by the testimony of approvers, were a strenuous effort to recover a 'consciousness,' a consciousness that would provide the foundation for the revelations that ratified the anti-thug campaign" (53). In such a situation, the role of the British became unclear: how could they truly know the duplicity of the Indian truth? On the one hand, approvers confessed willingly and their testimony was cross-checked for accuracy; on the other hand they were made to confess according to what became a pre-arranged script under threat of corporal punishment. What was the status of this coerced consciousness, and how could its authenticity be verified?

One answer lay in becoming Indian. Another lay in becoming thug, for "through his capacity for disguise and impersonation and his skill at negotiating multiple and competing identities, [the thug] usurps the colonizer's privilege of complex subjectivity and of movement between subject positions and thus can be read to assume some control over both the construction and flow of colonial knowledge" (55). Ironically this position parallels

that of the contemporary historian desirous of raising an "indigenous" voice from the archive to reveal the Indian reality. The more reliable the thug becomes, the more he usurps the position of mastery.

The figure of Sleeman, "that solitary Englishman," thus arose as the consummate exegete, the exemplary detective who could decipher the clues and reveal the true nature of this mystery by entering into the mindset of the thug. As such, the thug was not so much a person as a problem, and a problem coterminous with the civilizing mission. "Since it could never be decisively established … that *thuggee* had been extirpated, the need for endless vigilance was ratified. The moral visibility of the civilizing mission, indeed the very ground of its possibility, is the never-satisfied, endlessly proliferating need for reform. … The work of civilizing is never done." Roy avers that thuggee was "a trope for all that is uncontrollable" (54). Indeed the reappearance of dacoits and criminal tribes and castes throughout the nineteenth century, modeled on the thugs, paradoxically proves both the success and failure of the campaign. Representations of thugs were contradictory: they were both sedentary (embedded in village society) and peripatetic; diabolical and rational; bloodthirsty and sympathetic; noble and chivalrous but ruthless and immoral. From this chain of contradictions emerged "a subject position, or rather, an ontology that was criminalized" (58), an identity rather than a specific act. And since the particular expertise of the thug was his capacity for disguise, dissembling, and camouflage, the master detective learned to identify the identity rather than the individual act of crime.

"Fact" as Fiction

Carolyn Reitz charts an interesting trajectory of the rise of English detective fiction in the early nineteenth century, noting that it begins not in England but in India, with Sleeman as the New Man or "enlightened inquirer" promoted by social reformers who sought a greater role for police forces in England. The many popular accounts of thuggee that emerged in the late 1830s and 40s, with Meadows Taylor's a favorite of the Queen,

> enabled the bad turn-of-the-century cop to become good, to become English, and therefore to come home to a more receptive public. … The Thug police gingerly enter a stage set … by the contested liberalism evident in contemporary police debates, in which the fear of excessive police authority taints the case then being made for them as emanations of the true liberal spirit of the English constitution.[42]

In a stunning irony, the prosecution of thuggee in India, which, as we have seen, solidified a state of emergency in the guise of law, was used in Britain to promote a vision of benevolent authority and rational citizenship.

With the thug being portrayed as so mutable and unpredictable, an extraordinary effort of investigation falls to the heroic detective himself. The Thuggee Department, it is true, relied on two procedures that caused great consternation among the British public: corporal punishment and the use of approver's confessions. Both practices revealed "uncertainty about British authority" (31), but that uncertainty could be mitigated by the "credibility of the interrogator, the English detective" (32). Reitz illustrates how Meadows Taylor's 1839 novel *Confessions of a Thug* provides the "one connected statement" of thuggee from the mass of records, producing a story that is "fundamentally intelligible to the British reader" (37), and which implicates her or him in "sympathy, rather than force," "benevolent authority," and "moral ascendance" as "embodiments of English values … a gradual and natural extension of English curiosity and characteristic vigilance" (40–2).

Meadows Taylor's novel constructs this "connected statement" by holding a mirror up to crime and revealing its structure as fundamentally the same as that used for its suppression. Since thugs were said to be deeply embedded in Indian society and masters of disguise, it required one member of the gang to identify another; it takes one to know one. Over time, Sleeman himself came to mimic this indigenous identity through his act of knowledge: "I am satisfied that there is no term, no rite, no ceremony, no opinion, no omen or usage that they have intentionally concealed from me."[43] Thus the thuggee phenomenon, in all its excessive representation, had the paradoxical effect of revealing to British readers the true picture of India. The fantasy is truer than the truth.

As Reitz relates, Meadows Taylor reshaped the depositions of Ameer Ali recorded by Sleeman to reflect the similarities between the thugs and the British, demonstrating a "strange sympathy for his creation" (39), and emphasizing Ali's family values. Ali observes that the motivations of the thugs are the same as those of the British. Both are compelled by the thrill of the hunt; both see themselves as "instruments of God" (37); both rely profoundly on "information specialists." For the thugs, these are "the 'sothas' or 'inveiglers' … who insinuate themselves by obsequious attentions into the confidence of travelers" (38). For the British, of course, these specialists are the approvers themselves. Both sides are "vibrant critic[s] of the whole spectrum of violence India provides." Thugs are civilized professionals who bring order and organization to the "rampant criminality of India"

(38). These similarities make the imperial project in India coincident with India itself, and allay fears that the violence of prosecution may not be justified. "As the English relocate the story of their own violence onto the Thugs, Ameer Ali reinvents his own violence as necessary, indeed beneficial, in the context of widespread savagery" (38).

Conclusion

An extraordinary – or extremely ordinary – article appeared in the *Times of India* on July 10, 2009. In obsessive detail, and providing almost no factual or practical information, "Tackling the Menace of Criminal Tribes" recounts a colonial catalogue of thuggee attributes now said to be poised to "attack" contemporary Allahabad. Without identifying any specific crimes or criminals, the article describes "criminal tribes *like* Bawarias, Kabootar, Shasi, Nuts and Kanjar" (my emphasis) who travel great distances during the monsoon season, utilizing disguises, concealed weapons, a secret argot, specialized surveillance techniques, and well-planned escape routes to kill their victims at the behest of their "presiding deity," who "does not accept the offering of loot unless it is … accompanied by the blood of its rightful owner." In an article of 450 words, "criminal tribes" or "gangs" is repeated no fewer than twenty times, "monsoon" or "rainy season" six times, the modes of surveillance and escape also six times, and so on. It is pure facticity without explanation or conclusion. When the article concludes with a checklist of precautionary measures for the anxious citizen, one comprehends the consoling power of this oft-repeated *topos*. It is evidence of *something,* and we are called upon to act on it together.[44]

Parama Roy concluded that the unstable constellation of representations orbiting around the thuggee event indicated a troubled subject position for the British official in India, an anxiety at the heart of authority that provoked continued and ambivalent attempts to fix its objects in discourse. Carolyn Reitz offers a different but related conclusion that I feel explains somewhat better the persistence of the criminal tribe syndrome in contemporary India. By identifying with the hero of detective fiction, the early nineteenth-century British reader (both at home and in India) was made to feel complicit in his or her own policing through reading as an act of interpretation.

> The Thuggee narratives' emphasis on curiosity introduces the Thug Police's method – detection as organized curiosity – as one already acceptable by English readers because it is what the English readers are in fact doing in

> reading about the Thugs. .... As the curious reader faces the mysteries faced by the curious Thug Police, these narratives introduce readers not only to the detective's motivation but involve them in his method by giving them a massive amount of "evidence" in the form of miscellaneous "facts" about the Thugs, and then leading them to the whole system each piece of evidence partially suggests. (27)

That Sleeman could master thuggee through the act of detection implied that those who followed his method could employ a similar mastery. This helped habituate British readers to the idea of Empire as well as to the necessity of police.

2

How to Make a Thug

Recipes for Producing Crime, 1830–1910

Orientalism and Empiricism

European orientalist research was a powerful engine in the creation of Western academic knowledges in the early nineteenth century. Napoleon's expedition to Egypt in 1798 and the study of its antiquities is said to have laid the basis for modern archeology. The discovery of Sanskrit by English grammarians in the 1760s could legitimately be said to have inaugurated the study of philology on a scientific basis, and the modern science of linguistics practically depends on it – indeed, its founding figure, Ferdinand de Saussure, was a Sanskritist. Ethnology and anthropology were stimulated by the compendia of oriental types, such as Balthazar Solvyns's *The Costumes of Hindustan* (1807), which issued from "the laboratory of mankind," to recall Bernard Cohn's term for the Indian Empire. John Malcolm's expeditions to southern India produced dozens of volumes of botanical, zoological, geological, and other naturalist data, helping to give those sciences their global reach. Matthew Edney has recently illustrated the impetus given to modern cartography in the challenges faced by mappers of India, such as the calculation of the heights of unscalable mountains.[1] Historians of industry have noted that the challenges to railway and telegraph technology presented by continental scale were roughly similar in India and America at the time. The immense archives of information and methodology thrown up by imperialism seriously question the possibility of Western science or Western disciplines as discrete activities confined to, or even originating in, Europe.

Said's critique of orientalism has received powerful vindication in many circles as well as thorough criticism from historians and social scientists of South Asia.[2]

A salient lesson emerges from these debates that encourages us to see specific sets of knowledge practices as producing socially and politically

contextualized results. This provides us with a better understanding of the phenomenon which concerns this chapter, namely the rise of the colonial criminal regime and its relevance for contemporary Indian society. The historical process working here combines minute historical detail with fantastic exaggeration, and mundane specificity with the most outlandish extensions of ahistorical argument. The immediate issue at hand today is how this regime came to stigmatize a certain section of Indian society with the denomination "criminal," and how that label has continued to be embraced by Indian society some sixty years after the end of colonial rule. This historical conundrum must account both for the detailed specifics of crime detection and prosecution in the early nineteenth century, techniques acquiring the status of science throughout the course of the second half of the century, as well as the inflation, exaggeration, and extension of their implications through the first half of the twentieth and on into independence. Does the intractability of the problem have something to do with the nature of colonial knowledge?

The Strangler's Tale

The suppression of thuggee left a complex and contradictory legacy. By 1839 the practice was said to be destroyed. In its wake were left several pieces of legislation that significantly widened the powers of East India Company officials, dramatically extended sovereignty over territory, and institutionalized detection and prosecution regimes as tools in the policing repertoire. This had the effect of extending symbolic control over larger swaths of the population that it was now coming to understand in a statistical and systematic way. In the view of a standard textbook on Indian history, the legacy of thuggee was to accelerate the sedentarization of all the tribal peoples of central India.

> The tribal peoples were either subsequently confined to the forest, but deprived of control of its resources, which were now to be "scientifically" managed, or encouraged to abandon their "wild and wandering ways" for cultivation. … In similar fashion, groups such as the Banjara carriers, whose pack animals had accompanied eighteenth-century armies, together with herders such as Gujars and Bhattis, found their grazing grounds restricted by assessment of waste lands and the creation of private property rights, while their employment opportunities declined with the disbandment of armies. Those who persisted in wandering found themselves the objects of suspicion, and began to be stigmatized as "criminal tribes."[3]

The settlement of wandering people on the land directly increased revenue, as now these cultivators could be regularly taxed. We have also seen how mobile groups were viewed as a challenge to Company sovereignty and were collectively disciplined as criminal communities. The attribution of criminality to larger groups of people was politically, economically, and symbolically expedient, as the nomenclature bred legislation that could be used to consolidate territory.

Where does thuggee begin? More importantly, where does it end? To take the first question, the answer is unsure. It is clear that thugs were not first discovered in the period immediately preceding their prosecution. The anti-thuggee campaign of the 1830s did not arise as the result of a discovery, or the breaking of a code, although it is frequently portrayed that way. In a convincing study of the published archive describing such criminals, Maire ni Fhlathuin traces the antecedents of the language used in the suppression of the thugs to several pertinent sources, key among them an English translation of a French text first published in 1655. The translation by A. Lovell was published in 1687 as *The Travels of M. de Thevenot in the Levant*. In the translation Thevenot writes, "the Cunningest Robbers in all the World are in that Countrey. They use a certain Slip with a running-noose, which they can cast with so much slight about a Man's Neck, when they are within reach of him, that they will never fail; so that they strangle him in a trice."[4]

But before the translation of Thevenot's account into English, an English traveler, John Fryer, M. D., in his *New Account of East India and Persia*, written between 1672 and 1681, described in 1673 a "gang" of stranglers "caught and executed near Surat." Fryer observed "a Device of a Weight tied to a Cotton Bow-string made of Guts, … they used to throw it upon Passengers, so that winding it about their Necks, they pulled them from their Beasts and dragging them upon the Ground strangled them, and possessed themselves of what they had … ." In 1785 a similar "gang" was termed "a tribe called *phanseegurs*, or stranglers … suddenly throwing a rope around their necks with a slip-knot, by which they dexterously contrive to strangle them on the spot." *Phansigar* is allegedly derived from Persian *phansi*, "A noose."[5] A group of about 100 such "murderers" was captured near Banagalore after the fall of Seringapattam and the defeat of Tipu Sultan in 1799. Colin Mackenzie asserted that such groups were unknown to Europeans at this time,[6] but, as we have seen, there is already over a hundred years' precedent for recording some type of strangulating activity using a specialized device throughout the country.

Gangs of roving travelers had long been associated with military activity in India, and some evidence points to the gangs apprehended by Sleeman to be decommissioned militias traveling home after battle or searching for

other conflicts to join as mercenaries in the widespread and rapidly changing military labor market in the early nineteenth century.[7] But it is clear that Sleeman did not want to see them that way, perhaps unwilling to lend them the legitimacy of authorized combatants. Although organization was seen as constitutive of their *modus operandi*, thugs were not to be perceived as pursuing legitimate targets. Instead, with the proud bearing of professional soldiers, and possessing the capability or at least the potential of bringing to bear concentrated force, they were perceived as capable of sowing disorder and of potentially comprising a challenge to British rule.

This challenge was felt as disrupting the British self-image of having imposed order on a situation of chaos; the suppression campaign has been seen by subsequent historians as asserting symbolic authority as much as upholding the law and maintaining the peace. Much of the evidence deployed against thugs, for example, consisted of proving their notoriety in the eyes of local society. Accused criminals were routinely required to post security as a testament to their good character. Failure to post security against an accusation of notoriety was sufficient grounds for incarceration. Symbolic authority could also be asserted by acquiring progressively more of the forms of authority wielded by one's governing predecessors. British representations of thugs were gathered from a range of classical, popular, and indigenous descriptions, producing a composite picture that varied with circumstances and the purpose of the representation.

In a *farman* (edict) issued against "strangulators" (*phansigar*) in 1672, the Mughal emperor Aurangzeb had recommended execution for those "habituated to this misdeed" or if they are "notorious among the people."[8] Both the habitual nature of thuggee and the notoriety of its practitioners figured strongly in British representations of the practice in the 1830s. Thugs came to be seen as similar to military opponents, and were fought on the order of a military campaign, although not as official soldiers. But earlier they were viewed as deceitful, addicted, and duplicitous "bad characters." By the mid-1830s they appeared to form a country-wide "conspiracy" and to infest every rank and level of society. Although they were not legitimate, they possessed the military prowess of worthy opponents and the organizational capacity to disrupt British authority. For these reasons, and because they defied the very basis of British law protecting property and taxing settled cultivators, by 1829 some members of the central government deemed their extermination as warranted. The history of opposition to thuggee is a record of wider and wider circles of behavior that come to be classed as undesirable.

By 1808 the name *phansigar* was transferred to a range of anti-social activities. In Drummond's *Illustrations of the Grammatical Parts of*

Guzaratee, Mahratee and English, we find that *phanseeo* has become "a term of abuse in Guzerat, applied also, truly, to thieves or robbers who strangle children in secret or travelers on the road."[9] "Thug," however, remained fairly innocuous; in the same reference work the Hindi term *thag*, like the Marathi *thak*, both derived from Sanskrit *sthaga*, which means merely "a cheat, a swindler."[10]

Thevenot's description was taken up over one hundred and thirty years after its first appearance by Dr. Richard Sherwood in his description "Of the Murderers called Phansigars" which appeared in the Madras *Literary Gazette* in 1816 and was reprinted in *Asiatic Researches* in 1820. Sherwood's is perhaps the earliest account in which Aurangzeb's criminals and their *modus operandi* is coupled to the term "thug," which maintains, however, its etymological meaning: "[I]n the more northern parts of India these murderers are called Thegs, signifying deceivers,"[11] an appellation increasingly common by the time of Sleeman's *Ramaseeana* of 1836.

The story of strangling gangs had taken on the aura of a popular mythology in Britain as much as in India, due largely to the efforts of Captain Sleeman to promote his activities to East India Company officials in hopes of acquiring funds for additional police and authority to prosecute vigorously this unrecognized "conspiracy," as well as in the fledgling colonial public sphere centered in Calcutta.[12] Through this campaign the thug menace was soon seen to be appearing throughout India, while forming the basis for a number of popular accounts and novels composed in Britain.[13] Fhlathuin observes how the fledging public sphere centered in Calcutta was hungry for literary material to fill the pages of its numerous newspapers, and how Sleeman's ripping tales of violent crime and its heroic detection made thuggee an instant bestseller, bolstered by a "copy-cat" effect in the district newspapers.[14]

Although Thevenot in 1665 was describing the road around Delhi, Sherwood in his summary of Thevenot cited above adds "Delhi to Agra," thereby extending the range of these robbers some 150 miles to the south. They are also extended in time. Sleeman draws a connection to the Sagartii tribe described in Herodotus, a Persian pastoral group; this connection becomes incorporated into James Hutton's 1857 *Popular Account of the Thugs and Dacoits*, and after forms a staple of the genre. Following Sleeman's lead, Hutton, in spectacular form, describes the "ancient descent" and "remote antiquity" to which the thugs trace their origin.

> They who reverence ancient descent, and a long line of ancestors, are bound to regard the Thugs with peculiar veneration. Perhaps, neither in Asia nor in Europe are there any other families that can date their origin from such remote

> antiquity. They are said to be sprung from the Sagartii, who contributed 8,000 horse to the army of Xerxes, and are thus described by Herodotus, in the Seventh Book of his *History*.[15]

Note the active voice (the thugs themselves "date their origin") and the labor of detection involved in revealing this source. In Sleeman both the labor of extracting this voice and the origin it reveals are more striking still: "[N]o doubt, that from these vagrant bands are descended the seven clans ... who, by the common consent of all Thugs throughout India ... are admitted to be the most ancient, and the great original trunk upon which all others have ... been grafted."[16] Sleeman's voice of authority is cemented by his casual assertion that he has consulted "all Thugs throughout India," and that he has personally interviewed each one and derived "common consent" from each.

In 1837 Edward Thornton's *Illustrations of the History and Practices of the Thugs* repeats the imputation of primordiality, and in the same year Charles Trevelyan, nephew of Lord Macaulay and among the most vocal champions of the Anglicization of India, draws an implicit comparison to Egyptian stranglers described by the Latin writer Seneca. He suggests "as a system nearly allied to Thuggee prevailed at an early period in a country closely connected with India, it is not improbable that Thuggee itself has an equally remote origin."[17] By the time we get to the most popular and sensational treatment of the subject in Philip Meadows Taylor's 1839 novel *Confessions of a Thug*, Fhlathuin comments, "[R]eaders wishing to pursue their new interest would have found every text pretending to a comprehensive account featuring Thevenot's warning of the road from Delhi to Agra, home to wild beasts, mounted stranglers and deceitful women with disheveled hair, and using this to bolster one version or another of the historical progress of thuggee."[18]

Meadows Taylor the novelist seems to understand the hint of the fabulous, if not outright fabrication, in the outlines of the thuggee story, and as Fhlathuin presciently notes, Meadows Taylor's central character, the convicted thug turned informer Ameer Ali, "laughed inwardly at the [British] idea of Thugs."[19] Thus by 1840 an archive has been established and is available for cross-referencing and self-confirmation, and even the odd bit of tongue-in-cheek sparring.

Primordiality is only part of the story, although perhaps a necessary historiographical device; it accords the narrator a sense of authority, that he knows the history of the people he is describing, and indeed knows world history well enough to make the comparisons to Herodotus, Persia, and Egypt. In this way the Indian present is rendered classical, and East India

Company administrators acquire epic pedigrees. Historical duration also allows other crucial elements of the thug story to coalesce around it. Being ancient, it can be inferred that the practice of thuggee is hereditary; it must be passed down between generations. This long duration makes it unchanging and incapable of reform. It is deeply rooted and normal, and therefore invisible. Being invisible, it may be lurking everywhere. Fhlathuin comments:

> The appeal of Thevenot's account to writers on thuggee becomes clearer: it can, with a little ingenuity, be fitted into a narrative of thug depredations stretching back in the mists of antiquity – and, more to the point, beyond the British occupation of India. For Sleeman and the TD [Thuggee Department], this was of use in creating the sense of a difference between thugs and common criminals, thus allowing them to argue for special powers in dealing with them.[20]

Thuggee and Epistemology

Thuggee represented the process by which an unknown became known; moreover, it became known through the process of conquering it. When Sleeman inaugurated his campaign in Malwa in 1829, British understandings of Indian society in this new territory were incomplete and in a phase of rapid development. Predictions about knowledge often substituted for or pre-determined the findings themselves. In a sense thuggee was an allegory of empire, or, more precisely, an allegory of knowledge acquisition in the service of conquest.

This quotation from John Malcolm, among the most knowledgeable British chroniclers of India in his day, produced a characteristic slippage in its categorization of the bewildering heterogeneity of Indian identities in 1823. "The Thugs are composed of all castes, Mahommedans even were admitted: but the great majority are Hindus; and among these the Brahmins, chiefly of the Bundelcund tribes, are in the greatest numbers, and generally direct the operations of the different bands."[21] Caste, religion, tribe, band: the categories that define Indian identity for the British are in the process of being created even as the statistical information about what these markers might contain are in the process of being compiled. A certain pre-given and haphazard hierarchy accompanies the content that will fill these categories even before the content is adequately digested. In this way identity congeals around the markers of difference; rather than seeing identity as shifting or fluid, historical, or contingent, the imperative to create clearly defined and

static boundaries between caste, tribe, and religion, for understandable administrative reasons, also in the process creates the very content within the boundaries being demarcated.

Critical accounts of Sleeman, for example, repeatedly point to a combination of military, legal, and political expediency in his entry into the Sagar and Narbada Territory of the Central Provinces. This territory had been newly annexed in 1818 by an East India Company unwilling to pay a high cost for its administration and indeed reluctant and somewhat fearful of extending its authority beyond what it could reasonably control militarily. How could authority be maximized at a minimum of expense? The discovery of organized bands roaming the countryside and terrorizing innocent travelers provided an invitation for intervention. In further researching and defining the identity of these bands, the Company was asserting its power to acquire information and to act on it. Indeed Sleeman's success in Sagar was later rewarded with a lucrative posting as Resident of Oudh from 1848 to 1854, among the most sought-after of the Company's positions, and his critical accounts of the native ruler's mismanagement there contributed to its annexation in 1856.

Thuggee was represented in Sleeman's reports in contradictory ways that nonetheless reinforced attitudes favoring intervention. It seems clear he understood this and strove explicitly to capture the attention of administrators in Calcutta. Thuggee was represented as being deeply ingrained within Indian society while simultaneously figuring as an anomaly requiring extraordinary powers to combat it. On the one hand, it was said that thug bands were harbored in every village throughout the territory, and sheltered and financed by zamindars, the landed elites of rural society whose bidding they did by proxy. On the other hand they were said to travel for months at a time and to retire to their homes for agricultural work during the rainy season when the roads were impassible. Thus thugs were both ordinary and anomalous, settled pillars of village life and nomadic marauders. They were both "the people" and exorbitant to the ordinary villager, both typical small farmers and direct retainers of the large landholders.

Descriptions of thuggee served to reinforce several contradictory British notions of the Indian polity at once. Firstly, its essence was said to reside in village agriculture and so nomadism was eccentric, wild, and in need of sedentarization. Secondly, landed elites were thought to be trustworthy enough to preserve stability through regular taxation, but could also be duplicitous and were to be treated with caution. Thirdly, native custom, especially religion, should not be unduly interfered with, but uncivilized Indian practices, especially religious ones, demanded reform or eradication

as vindication of the beneficence of British rule. This view was greatly enhanced under the Governor-Generalship of William Bentinck after 1835. The new "revelations" about thuggee thus called out for careful research, but also immediate reform. It was a dangerous mystery that needed speedy unraveling. This rhetorical emphasis tended to fix emerging definitions into policy decisions. In Sleeman's publications we repeatedly find these ambiguities of perception coupled to the necessity of acting expeditiously.

Sleeman's spectacular success in opening Sagar to intervention was due largely to three specific technical innovations that resulted in penetration of the thug mystery. Discovery of a thug language or argot, called Ramasee or Ramosi, seemingly proved the common descent or at least common profession of organized criminal groups. An extensive glossary of the language was published as *Ramaseeana* in 1836 after years of promotion in official reports and letters to editors. A staple of police and detection manuals ever since has been inclusion of the unique argot of the thief. Use of the language could form the basis for conviction, relating the user not to a specific crime but to membership in a suspect group. Discovery of this language seemed to prove the existence of a large population engaged in clandestine activity, a criminal conspiracy.

The use of the testimony of "approvers," or personal confessions of accomplices, was not unprecedented, but through its widespread institutionalization in the thug trials, Sleeman and the Thuggee and Dacoity Department created a "covertly developing structure" of legality for prosecuting collective crime as opposed to the ostensibly liberal model being upheld for individual rights.[22] Approvers designate those convicted of a crime who turn King's evidence, implicating themselves as participants while identifying their accomplices in exchange for immunity from further prosecution. Their veracity is "proven" through circumstantial evidence that only accomplices can describe. "Often this was the only direct evidence against accused thags, with the T & D using corroborative evidence of even insignificant details to 'prove' its veracity."[23] In the absence of tangible, material facts, use of the characteristic vocabulary, or knowledge of superstitions, exotic paraphernalia, or religious belief, could link an individual to a gang. Thus knowledge became a determinant of membership.

> The imperial formula of approver's testimony structured the form and content of "knowledge" about what constituted criminality. It set up not only definitions of acceptable and unacceptable behavior, but also a particular mode for ordering this information … the court cases were necessarily constructed into a narrative that identified a beginning and ending and isolated out the actions and relationships considered significant.[24]

Publicity through the newly emerging Bengal press, centered in Calcutta, but making rapid inroads into the *mofussil* (countryside), spread this spectacular news far and wide. As local coverage of events became the staple of the country press, crime reporting became a standard feature of local interest. The thuggee narratives supplied by Sleeman via Calcutta, quickly reproduced in competing papers throughout the British holdings, found local correlates at the village level where many simple crimes called out for competition to the sensational narrative laid down by the thug story.

Indeed Sleeman's own voluminous writings are largely responsible for the reception granted this event. Occurring at the confluence of an "information panic" and the rise of a distinctly colonial civil society, Fhlathuin finds that "the papers' hunger for news to fill their expanding columns led them to feature the sensational violence that characterized the thugs. … The … campaign was good for the Bengal press, and press publicity was, from the beginning, essential to the [campaign]."[25] Not unlike the repetition of the thug story following Thevenot, Fhlathuin suggests that the story took on a life of its own, and was repeated throughout British India in the fledgling newspapers.

In the adjoining frontier region of Etawah in 1808, the magistrate Thomas Perry had first theorized the thug menace when a coerced confession revealed that a man agreed to being called a "thug" or "cheat" by police.[26] Perry attempted to leverage the confession for greater government financing for his policing operation, but was met by its refusal to become further implicated in the region. Sleeman, however, through "tireless writing of report after report,"[27] was able to get some traction at the center, in contrast to the failed campaign twenty years prior. Many scholars find the evidence presented to the central government basically the same in each instance. If so, the major difference lies in Sleeman's perseverance until circumstances became favorable.

Wagner contends that the British administration had known about thuggee in southern India since 1807, and in central India since 1809, and did take it seriously as a "political problem" but not yet as a "moral issue." In fact, "all the measures and legal innovations implemented during the anti-thuggee campaign of the 1830s originated in the years 1809–12, including the extensive use of approvers."[28] The crucial difference was the growing archive of Sleeman's publication. He "constructed a religion and a thug language based on a few informers and subsequently made sweeping assertions where single statements became dogma and thuggee took on the appearance of a religious cult" (947). By 1830 thuggee was now presumably understood, with a technical lexicon and a history of documented processes. The appearance of a body of knowledge about thuggee helped considerably to prosecute it.

The moral issue of an information panic helped as well. Fhlathuin finds "the tone and content of Sleeman's contributions does not vary over the 10 years of the 1830s, despite the TD's claimed successes and the thousands executed, transported, or jailed."[29] Indeed there is an uncanny repetition, especially centered on the need to inform the public of this "dreadful system" and to convince them of vigilance through every part of India.

Argot, confession, publicity: thuggee was thus from the beginning, and to a remarkable degree, a linguistic phenomenon. The thuggee discourse worked to create the perception that Indian society and custom were dangerously misunderstood, and that this presented an immediate threat to British control. According to Bayly, "[W]hen information panics and ideological frenzies overtook administration … it was evidence of the limitations of colonial power and knowledge, not the effectiveness of its projection on society."[30] Bayly's conception of thuggee usefully bridges the gap between considering the event a fantasy or orientalist stereotype, as does Amal Chatterjee, and the more pragmatic capacity to gather and process accurate information.

> Colonial knowledge, far from being a monolith derived from the needs of power, existed on different levels which were imperfectly linked. There was a level of formal, learned and abstract knowledge which has become associated with the term orientalism. There was also a level of practical, ad hoc, "satisficing" administration which was not embodied in texts or procedures and worked on particular local circumstances. (167–8)

Thuggee embodied this imperfect linkage between knowledge systems. Derived from the purportedly accurate eye-witness account in the approver's confession, it is easy to see how in subsequent retellings the "facts" being recounted were systematically altered, each version enhancing the fantastic kernel of marauding stranglers. This is not to say that it was untrue *per se*, but rather that its representation as truth congealed many types of explanation for several phenomena all at once. Thuggee was as much about context as it was about content. In a manner similar to that of Herodotus, the master historian also considered a master liar (and how appropriate to invoke him as an authority here), the narrator of thuggee combines theories of caste and race, religion, occupation, and heredity with techniques of detection, detailed descriptions of persons and places, legends told about these things, and anything else deemed worth mentioning as "evidence." How these disparate objects become associated is as much a process of the pre-established narrative as it is a quality of the thing depicted. Bayly comments that "in the absence of real intelligence or fuller understanding of

the society they were dealing with, officials took appearances and argot to be symbolic of character and intentions" (171).

The Crime Machine II: Technique and Detection

In addition to the narrative blueprint and knowledge content, the internal policing techniques of thug detection created the precedent for further forms of knowledge production. Here is Dash on Sleeman's method:

> Sleeman's work began, in 1829, with the careful cataloguing of every known Thug crime. … Reports on each case, drawn up by the officer concerned, were sent to Sleeman and combed for as much information as they could be made to yield. The raw data were then entered into a vast register that contained the names of every Thug who could be identified. … Every man named in every deposition made by every approver. Each Thug was assigned his own unique number, and against this number Sleeman recorded his name, the location of his home, and the details of his associates and of all the crimes of which they stood accused.[31]

Although Dash appreciates the difficulty of this procedure, there is little doubt the Captain will overcome it. The work of detection is seen as one of almost superhuman labor and intelligence:

> This was never a simple matter, for many Thugs had the same or almost identical names and none had surnames, most being identified by their tribe, their caste or their role within the gang. A good number, moreover, employed one or more aliases. … To complicate matters further, it was common for Hindu Thugs to adopt Muslim names, and for Muslim stranglers to pose as Hindus … .

This does not deter the hunter but only increases his resourcefulness: "Undaunted, Sleeman also kept careful records of all the information he could find or deduce about each Thug's family." The outcome is unquestioned. "Sleeman's register proved to be an immediate success. Some 350 captured Thugs were committed for trial in Sagar in 1832. Two hundred more came before the courts in 1833, and another 170 were arraigned in Indore, Hyderabad, Poona and Cawnpore" (193). "By the end of 1832, the Company's patrols were active over an area three or four times as big as Britain" (202). Dash does not comment much on the accuracy of the information, nor does he pass judgment on the justice or rationality of using the family to catch the criminal, or of implicating all associates for the crime

of an individual. These techniques are presented merely as effective, and the saving of human life is justified.

Dash continues: "The formal end of the campaign was signaled in July 1840, when the East India Company's Court of Directors … were informed that 'as organized associations Thug bands had been broken up'" (331). And yet the thugs did not disappear. Dash avers as fact that as many as "1,000 rank-and-file members of various gangs" were never caught, melting back into anonymous existences. The tone of truth prevails as certainty: "The great majority settled in the Native States" (246). Remarkably, Sleeman's register was kept up to date for forty more years, and "as late as 1879, it contained the names of 340 suspected Thugs who remained at liberty" (246).

The register became a perpetual-motion machine for producing crime. Dash himself becomes a bit more incredulous at the "discovery of other varieties of thieves and murderers who appeared to share some characteristics with the strangling gangs." He describes the men of the Thuggee and Dacoity Department as becoming "so committed to the notion of Thugs as ingrained hereditary stranglers that they refused to see the survivors" for what they were: remnants of a process that viewed everything with suspicion so that anything within its purview began to look like evidence. "Its officers were now so highly sensitive … that nearly a dozen new groups of 'hereditary criminals' were uncovered …" (247).

Dash is somewhat more skeptical of these later developments, but not much. Among the surviving villains of the anti-thug campaign are the River Thugs of the Ganges, the only major group "directly connected to the main Thug gangs." They spoke a "species of Ramasee that at least some land Thugs found intelligible, though it differed considerably in its vocabulary" (247), and always murdered their victims before robbing them, using a *rumal* (scarf or kerchief for strangling). They were organized into the various sub-specialists of the great thug gangs and their practices were equally flamboyant, as for example breaking the spine of the corpse and throwing it overboard to be "devoured by the crocodiles which follow the boat" (249). Their ring was largely broken in 1836 when some land thugs who had been victimized by them turned approvers, and 160 were arrested and convicted in Bengal, then presumably sentenced to death.

Sleeman also uncovered a group of recently formed thugs who offered a glimpse into the "protohistory" of the organized fraternity. These were the Megpunnas operating in the areas around Delhi and Rajpootana, numbering around 200 men and women who murdered parties of travelers in order to steal their children and sell them into slavery or prostitution. These dastardly latecomers had only begun operating in 1826 when the East India

Company's siege of Bhurtpore unleashed "indigents" who killed "more or less on a whim." Their methods were so inept that they appalled the approver who examined the bodies. Far from the "confident mass murderers" that the later thugs became, these lesser-evolved specimens were "opportunists who killed sporadically and clumsily" (251).

Dash also colorfully relates the Department's progress against "hereditary criminals" even more distantly related to the real thugs. The Tusma-Baz Thugs were discovered around Cawnpore in 1848, professional gamblers and entertainers who engaged a relationship of normative crime with the police and who, Dash casually remarks, "were bracketed with the Thugs solely because they had ... murdered and robbed a few travelers whom they met upon the roads" (252). Dash does consider the institutional momentum generated by the Thuggee Department as "very revealing," because the discovery of thuggee uncovered other potential threats to British authority lurking "in the vastness of the Subcontinent." In other words, thuggee detection revealed true crime, and progressively more of it. Dash does not interrogate the actuality of the threats uncovered, but remains impressed by the magnitude of the bureaucracy that discovered them:

> All this made it imperative to retain the expertise built up within the Thuggee Department. By the late 1830s, its remit had already been widened to include the suppression of dacoity – a still more difficult task, perhaps, but one that Sleeman himself took on, with his usual vigor, between 1835 and 1847. After that the department evolved again – first into a sort of pan-Indian police force with overall responsibility for the suppression of a wide range of violent crimes, and then, in the last years of the nineteenth century, into a central intelligence office, gathering information on Indian nationalist groups and other potential rebels. This was a job its officers – with their intimate knowledge of criminal behavior in the mofussil – were assumed to be particularly well suited to, and the department thus survived for a further half a century, being abolished, with the empire itself, only in 1947. As late as the later years of the Second World War, the Government of India's intelligence agency – then based in Simla – was popularly known as the *thagi daftar*: the "Thug Office." (252–3)

From conspiracy of rebellion to political independence: communities of ill-defined actors excrete notoriety amongst their collaborators. Scholars today continue to debate whether the phenomenon described by Sleeman and his compatriots, and legislated by the East India Company, and punished by execution, incarceration, and banishment, really existed in the way it was imagined at the time. The outcome of this debate, if not necessarily

the form in which it is carried out, is obviously of great interest to the inheritors of the criminal label.

A characteristic confusion surfaces, unfortunately, in the present-day assumption that something like thugs must have existed since so much energy was expended in combating them. This confusion extends to the idea that the anti-thuggee campaign and its legislation was merely an historical anomaly, implying that the campaign itself was "successful" and therefore came to an end; that its excesses were eventually righted by the rational development of the law, which evolved away from extraordinary measures and into the liberal version of abstract equality it so forcefully proclaimed; and that, thus exterminated, thuggee eventually disappeared from India.

The Criminal Hangover and Social Science

Throughout the period following the "suppression" of thuggee, wave after wave of publication reanimated the event, locating it in wider and wider swaths of human experience. Indeed the basic outlines of the story took on generic proportions. Sandria Freitag examines this continuum, a "scholarly silsilah," emanating from the records of the Thuggee and Dacoity Department as they became filtered and codified through popular accounts and finally taken up in the more sober tones of academic discourse. Edward Thornton's *Illustrations of the History and Practices of the Thugs* (1837) became a kind of sourcebook for later administrators and amateur anthropologists seeking not only to describe native difference but also to isolate criminal tendencies in certain populations as a way of pre-empting their potential threat. Freitag comments,

> control was exercised not only through explicit workings of special police forces brought to bear on "extraordinary" crime, but also through knowledge, particularly the pseudo-scientific descriptions of group activities and beliefs. It was this knowledge that came to be utilized through the alternative structure of law to justify "extraordinary" measures. To this extent many of the cultural prejudices against the groups it now saw as "criminal" had been inherited from their indigenous informants, and then legitimized as scholarship in such reference volumes as Crooke's *Tribes and Castes of Northwestern India*.[32]

Crooke's scholarly ethnographic research, published in 1891, actually reproduced at face value Thornton's descriptions of thug omens originally culled from Sleeman, as told to him by approvers. "Such snippets on the

Thugs rendered them as ethnographic curiosities to be scrutinized and catalogued, and hence controlled" (243). Dash evidently shares many of these predilections, situating himself in a long line of transmitters of received knowledge descending from the original police operations. His book bears remarkable similarity to Freitag's description of Thornton: "[S]eparate chapters on the history of thagi, the variety of forms of thagi, examples of the religious beliefs and superstitions of the thags, omens, and then a series of 'stories' about the exploits of the different gangs" (243).

In Sleeman's interrogations of his approvers, from which emerged his "dictionary of thug argot" *Ramaseeana* and his selected recorded interviews, there is a continual pull towards "exotic superstitious practices and beliefs … the hierarchy within thag bands … names of different bands, and terms for items and practices common to the practice of dissembling …" (239). Indeed Dash reproduces such technical terms as epigraphs to each of his chapters, which summarize precisely the list of topics first ordered and shaped by Thornton. This multiplication of factual evidence and its repetition in subsequent published volumes lends the event the ring of authenticity. When viewed comparatively over the course of almosr two centuries, however, the effect is of a sublimely repetitious, self-confirming catalogue of pathology.

In the comprehensive ethnography that is *The Tribes and Castes of the Central Provinces*, compiled by R. V. Russel and his native informant Hira Lal, published in 1916, "Thug is listed between Teli (oilman) and Turi (a cultivating caste) and the Thugs are considered a caste or 'community of murderers' just as the Teli are a community of oilmen."[33] The archive structures not only facts but forms. The thug is a thing, but also a pattern, a structure; it fits in somewhere. The distinctive structures of knowledge about India were not imposed on India by orientalist fiat or by sheer administrative necessity. Instead, they were saturated by Indian practices and perceptions where those met pre-existing British mental habits, and the combination was shaped decidedly by exigencies of day-to-day administration.

In Freitag's view these cultural assumptions reproduced as scientific knowledge had profound effects in shaping indigenous Indian society. But the knowledges generated were significantly, if not equally, shaped by Indian forces. Crime and its practitioners became defined by the dialectic between imperial and indigenous authority rather than the imposition of one over the other. The prosecution of thuggee, widely publicized in the emerging civil society as much for the benefit of Indian as for British readers, schooled native elites in new modes of power and propriety. These were not dictated entirely by the new rulers. The earliest descriptions of thug

activity came from Indian society. "The information initially received by the magistrates in Etawah in 1809 and 1810 before they knew about the thugs themselves, came from zemindars, darogahs and peasants. It thus reflected some sort of popular perception of thuggee."[34] So in turn "the Raj's treatment of thags reinforced indigenous values such as martial valor and a hierarchy dominated by a landed elite."[35] Just as British perception recognized the militaristic and organizational qualities of thuggee, which it admired, it expressly forbade certain kinds of quasi-military organization such as those of Pindaris or Bhils in favor of the standards of order favored by British military commanders, and defined crime in such a way as to criminalize the activities of unauthorized armed groups.

At the same time it adopted Indian perceptions of marginal groups from the landed elites, who disparaged forest dwellers, nomads, pastoralists, and tribals. These developments in the Central Provinces were of a piece with larger patterns and processes emerging in other regions, primarily the demilitarization of Hindustan and the sedentarization and urbanization of the subcontinent in general. Groups that had formerly subsisted by plunder were ruthlessly suppressed in military campaigns. In non-regulation territories such as the Central Provinces and in princely states, the thuggee police mopped up robber bands. Emerging knowledge about such groups stressed similarity of physical appearance, occupation, language, or even dietary habits to construct larger collectivities. This "permitted clusters of people (who called themselves by a variety of names) to be classified as members of the same group."[36] A letter from the Senior Deputy Inspector-General of Police in the North-Western Provinces and Oudh, written in 1887, illustrates this latter phenomenon as it stretched to extremes. While making a case to register a group known as Sansiahs as a criminal tribe, he wrote:

> [T]hus they are known as Chandu Sansiahs and Bans Sansiahs in Aligarh, as Gidhias in Meerut, as Kanjars and Gidhias in Muzaffarnagar, as Rudhua Kanjars in Muttra and in Baratpur and some other Native States; they are in some cases spoken of as Beriahs in Etah and Mainpuri, as Bhatus in Moradabad, and as Ghurkals in Jeypur. ... The habits of the Sansiahs are universally criminal.[37]

The question of what to call them efficiently for administrative purposes was settled by noting that their headquarters was in Aligarh, and there they were usually called Sansiahs, thus all the groups should be referred to as Sansiah.

Colonial knowledge did not necessarily improve understanding of Indian reality as it was seen by Indians, but it did create large bodies of "facts"

such as these which could be sorted through multiple categories of the administrative grid.

Race, Caste, Heredity

This process began much earlier with the thugs, as we have seen, but reached its logical conclusion in the enshrinement of the principle of hereditary criminality in the series of Criminal Tribes Acts beginning in 1871. Denzil Ibbetson, the great census taker, remarked of the 1881 census of the Punjab, "Our ignorance of the customs and beliefs of the people among whom we dwell is surely in some respects a reproach to us … but it also involves a distinct loss of administrative power to ourselves."[38] The "administrative power" gleaned by Sleeman was not confined to the legislative apparatus. Physical and social sciences gained enormously from the information-gathering and classificatory process of thug hunting. Although caste was not to be comprehensively enumerated until the census of 1881, earlier theories provided a blueprint for administrative ethno-constitution through the classing of groups first inspired by thuggee detection.

Sleeman was among the first in India to take an interest in the emerging practice of anthropometry. He assisted the medical officer stationed at Sagar, Henry Harpur Spry, to send seven of the skulls from executed thugs to Scotland, where they were examined by the Phrenological Society in Edinburgh by Robert Cox. Cox's 1834 study corroborated Spry's observations about the hereditary criminality of the depraved caste or tribe of thugs, whose crania, smaller than "the European average," manifested an "exaggeration of the 'organs of animal propensities (including secretiveness).'" Craniological measurement also revealed the "'Destructiveness and Acquisitiveness' through that 'Veneration and Love of Approbation' which apparently was a weakness of all 'Hindoos.'" Similarly, the thugs shared the "'Philoprogenitiveness and Adhesiveness' ('manifested in the Hindoos in the happiness they seem to feel when surrounded by their children … and in their frequent and ardent embraces'), as well as the 'usual' tendency of Hindus to jealousy, polygamy and 'unnatural desires'."[39]

By the end of the century, craniological measurements taken from the skulls of dead prisoners comprised forty separate measurements such as "glabello-occipital length," "Basi-bregmatic height," and "nasio-alveolar breadth." Such measurements usually reaffirmed the prior belief that criminals were congenitally so, and that the proof was in their bone structure. As Dr. F. J. Mouat put it in a disquisition on Bertillon's anthropometric system in 1891, "[T]he most honest part of a thief, or a rogue of any cat-

egory, was his bones, for he could by no ingenuity however subtle, cause them to lie, when the truth of his identity was in question, and was of use to the cause of justice in dealing with him."[40]

In order to prove the thugs "a race apart," or "outside the pale" of civilized society and so worthy of the harsh measures deployed against them, more elaborate theories of identity were developed. As we have seen with the philological speculation about origins and antiquity, thugs were linked by blood relation to primordial cannibals supposedly found in the deep jungles of Central India. Bates comments,

> As Brahmanical theories of Indian society gradually became more widely accepted amongst British officials, so was the imagined "tribal" increasingly reified as the natural antithesis of the Brahman. Not only did the "tribal" or the "Dravidian" provide the most obvious test-bed for theories of racial difference, but once the idea of separate races had been accepted, then the degree of miscegenation between indigenous tribals and "Aryan" Brahmans afforded an immediate, if intuitive, explanation for the proliferation of intermediate castes.[41]

Dr. Spry, fresh from his anthropometrical experiments in Sagar, recorded in his account of *Modern India* (1837) that in the "wild and unreclaimed hill jungles" of Central India "they sacrifice and eat their fellow-creatures. The fact of their doing so is so well attested that there can be no doubt of its correctness."[42] The presumption that thugs could affect extraordinary disguises and were masters of dissimulation and impersonation explained how this "tribe" could profess to be either Hindu or Muslim, Brahmin or Rajput, yet remained a single coherent unit of identifiable blood stock universally predisposed to crime. If any doubts remained, the connection to murder and cannibalism helped push the case "beyond the pale."

Thugs were of course not to be confused with savage forest tribals; they displayed instead strong elements of the landed gentry such as civility and bearing, even nobility and chivalry. Yet these were disguises, and their fundamental character was located much more closely to that of the exotic, superstitious, and savage. This projection served especially well to define the criminal tribes that emerged in the wake of the anti-thuggee campaign. With the British coming increasingly to collaborate with the landed elite as their paramountcy widened and deepened, stronger notions of caste hierarchy became understood, and especially in forested areas the "imagined tribal" emerged with greater bestiality and animality as the foil to the landed Brahmin, both in British and in Indian accounts.

The Murias of Bastar, like others, were said to engage in human sacrifice. An 1820 tour of the Chhatisgarh region produced this account of the Binderwas of Ruttunpore, penned by Vans Agnew: "They go entirely naked; are armed with Bows and Arrows; are said to destroy their relatives when too old to move about and to eat their flesh. ... Their enemies, and the travellers they may slay, they are also said to eat."[43] Stephen Hislop, a Christian missionary traveling among the Gonds of the Central Provinces, records descriptions of human sacrifice. Thus in the first half of the nineteenth century some distinctions between tribes and castes was emerging, or distinctions between tribal society and caste society, but both these entities, if they were distinct, could also be described as race. According to Bates: "Thus, although notions of racial difference and of the distinctive characteristics of so-called 'castes' and 'tribes' were becoming established, no-one had yet attempted actually to measure, codify and standardize these differences in anything but anecdotal terms. The need for some such codification, however, was becoming pressingly obvious."[44]

Amateur anthropologists, often administrative officials allied with functions in policing and penology, sought characteristics of ideal types said to contain the rudiments of predictable behaviors. Cannibalism, as much as petty lifting or the hunting of animals considered as vermin, could be seen as a definitive behavior indicative of crime, as could bodily measurement and observable physical features. "Caste" became distinctly different from "tribe" on the basis of studies of the so-called "aborigines," to whom Brahminical theories of Indian society were being increasingly applied, such that "caste" came to define Hindu social structure alone, and "tribe" became "increasingly reified as the natural antithesis of the Brahman."[45]

That of course did not erase the theoretical or administrative problems, but it did attribute to tribal organization the characteristic of heredity that was even more immutable than the one said to be pertaining within caste, cementing a vision of aboriginal primordialness. Still today denotified tribes are perceived to be "of the same racial and cultural stock as the aboriginal tribes, except that [they] have taken crime as their hereditary profession and means of livelihood, and have utilized their primitive tribal structure, characterized as it is by phenomenal group solidarity and cultural homogeneity, for anti-social purposes."[46]

Christopher Pinney has described the "administrative–academic nexus" within Indian colonial anthropology. A peculiarity of colonial scholarship was that the observation of human difference was almost always tied to the issue of control. Inquiry about otherness became systematic and urgent in the context of the Rebellion of 1857. In a comprehensive ethnological photographic project called *The People of India*, what began as an informal

request for souvenir photos in 1856 "was transformed by the Mutiny into an official project of the Political and Secret Department."[47]

> It is hierarchical observation and normalizing judgment which predominates as castes and tribes are described in terms of their administrative complexities. One can trace here in its descriptions of "marauding frontier tribes" and the "lawlessness" of various caste groups an intensification in official thinking on the convergence of ethnic identity and the potential for disorder which was to reach its fruition in the Criminal Tribes Act of 1871. (254–5)

The confluence of anthropology and photography in this project "marks one stage in the transformation of such curiosity into a structured framework – the sort of 'grid' to be found in museums and exhibitions – in which the judgments and disciplines of scientific theory and the state were imposed" (254).

A first full census of India had been planned for 1861, but was delayed by the Mutiny until 1871. Bernard Cohn has shown how the theory of caste both influenced the design of the census and was modified by the results.[48] Caste structure and hierarchy became progressively more rigid with each decadal enumeration. At the time of the first census, enumerators were instructed to ask questions about the respondents' occupations in addition to their religion, the answers to which were then interpreted by supervisors. The lack of structure was damning. "Individuals appeared as 'con-man', 'pimp', 'prostitute', 'idiot' and 'thief,' or however else they might appear or describe themselves. … It was the need for some such order which led to … [the] functional, occupational categorization of castes and tribes in the 1881 census." Bates waxes ironical in his description of attitudes leading to this:

> [N]ot only did [the lack of structure] allow for the possibility of unhealthily egalitarian conclusions about the ethnic mixing of the Indian population, and the possibilities for change in economic and social status, but it also directly conflicted with the racist ideas about Indian social structure that by then had been largely confirmed in the minds of administrators by more than a generation of anecdotal writing. The response was to seek for a new method that would confirm "scientifically" what were now ingrained prejudices.[49]

Standardized lists were prepared of castes and subcastes, arranged alphabetically, to help "instruct the enumerators in how to classify responses." This did not solve the problem; in the 1891 census in Bengal alone over 2,300,000 people "were not classifiable in terms of their 'true' caste."[50]

Many critics agree that the career of Herbert Hope Risley, which spanned the period from the first systematic census in 1881 to his death in 1911, marked the "apotheosis of pseudo-scientific racism."[51] According to Pinney, Risley's career "makes explicit the conjunction of academia and the interests of the state," and "reveals most clearly the paradox … whereby diversity and difference guaranteed certainty in the analysis of the peoples of India." Under Risley, who oversaw the first Ethnological Survey of the Indian Empire in 1901, "it was impossible to define where administration ended and science began."[52]

Risley's overriding concern was with measurement of the physical body in the practice of anthropometry, whereby precise statistical correspondences of physiognomy revealed deep-seated behavioral proclivities. By this standard, "caste" was "not merely an index of status, but had … formed the basis of opposition to alien rule in 1857."[53] Physical anthropology, it was surmised, could bring about "an effacement of all subjectivity and unreliability" in understanding the Indian subject, and could substitute instead a cold, material projection of this subject's likely actions. This in turn would dictate the actions of government as it sought order and to marshal available skills for productive ends. One of the most widespread and influential uses of caste in this physical sense was in the Caste Handbooks for the Indian Army, which clearly defined the military value of certain groups by "descent and genetics."[54] By this time, according to Dirks, "Indian subjects were not only organized by but contained in their castes or tribes. … Individuals existed only as empirical objects and exemplary subjects."[55]

The language of the Ethnological Survey of 1901 clearly allied the compilation of native difference with the practicalities of governance. As a land characterized primarily by its otherness, India was believed to furnish the best evidence of the physical determination of behavior. "The differences of physical type, which measurement is intended to establish, are more marked and more persistent than anywhere else in the World." Caste prevents the intermixing of groups and so preserves their purity ("the disturbing element of crossing"); and physical facts determine group behavior: "The entire framework of native conduct of individuals are largely determined by the rules of the group to which they belong." Thus the accurate and scientific measurement of physical differences would furnish the best guarantee of good administration "for the purposes of legislation, of judicial procedure, of famine relief, of sanitation and dealing with epidemic disease, and of almost every form of executive action."[56]

This instrumentalist procedure becomes evident in anthropology in the hierarchical ranking of groups according to racial purity and civilizational

advance. Crooke's categories of analysis typically waver between genetics and culture: "Intermediate between those people and the foulest menials come the many Gipsy tribes. … They form a very mixed race, some showing the fairer skin and finer features of the higher castes; others black skin and coarse noses of the Dravidian."[57] The so-called "criminal tribes" are distinguished by their vagrancy, dishonesty, and backwardness.

> These … "unsettled tribes," bodies of nomads or vagrants … gain their livelihood principally by theft or other nefarious means. These people are generally denominated the Vagrant and Criminal Tribes. … they seem to be the ethnical representatives of the pre-Aryan races … [and] retain … the ways of life which characterize a very primitive stage of culture. (140)

These specimens invariably bear all the attributes of thugs. They are organized, violent, religious, and immoral, and possess the requisite secret code:

> The Sansi … is a criminal of even a more dangerous type. They wander about in gangs, and make attacks by night. … The onslaught beginning with a shower of stones, followed up by blows from the heavy quarter-staves with which they are armed. … Like all these vagrant tribes they have an elaborate argot which is not intelligible to strangers. … Migratory and predatory habits are part of their nature, and sooner or later they revert to their old, disreputable ways of life. (142–3)

Physiognomy proved their identity by defining their ancestry. "They have the short stature, black skin, and keen black eyes of the Dravidian; but the face has become finer and the nose more shapely by intermixture with higher races" (144). Anthropometric attempts to define caste as blood and heredity, inscribed on the physical body, stood in marked contrast to earlier definitions of caste as religion, race, occupation, or tribe.

Hereditary criminal tribes became the ultimate guarantor of the theory of rigid caste identity. Interestingly, this has been described as an issue predominantly of "political legitimacy" by Satadru Sen. Like the thugs earlier and the nationalists to follow, criminal tribes "became archetypes for a specific model of Indian criminality that stressed deliberation and association."[58] The antithesis of individuals who committed crimes, and so could be controlled by liberal, rational law, these groups were bound by a strictly determinist notion of caste in a timeless and ahistorical parallel universe to what the British envisioned as their ideal of a stable, settled agrarian India rooted in village community. Hereditary crime, committed almost involuntarily from generation to generation, existed as a specter "at the intersection of knowledge and authority." Such crime was seen as a

social norm deeply woven into society, "a perverse mirror image" both incomprehensible to and subversive of the British claim to "singularity of moral and political authority."[59] Self-contained criminal communities functioning with their own internal norms of legitimacy challenged the colonial state's assertion of authority. Removing this blight from the fabric of rural society drew the British into closer alliance with the indigenous power structure in a form of internal political conquest over the structure of society itself. The discovery of deeply embedded, primordial elements of disorder provided a rationale for their eradication through a program of social engineering. This program was formed by thuggee, accelerated by the Mutiny, and reached its apogee with the passage of the Criminal Tribes Act of 1911.

Exigencies of the CTA

The tendency to view wandering gangs as criminal was not entirely an optic manufactured through the suppression of thuggee, but that action significantly influenced how the British perceived and managed such populations. The Criminal Tribes Act of 1871 was a result of the forces released by thuggee, but it was shaped and implemented as much by bureaucratic pragmatism as it was by ideology and planning. The design and passage of the CTA illustrates the functioning of the colonial knowledge regime quite well. As much as any advance presuppositions, the process of acquiring knowledge shaped the conceptual categories that structured its content. An administrative–academic nexus constructed upon the crime machine of the anti-thuggee campaign produced a positive content of illegal behaviors and prescriptions for their control, however "legal" those solutions were in actual fact.

Andrew J. Major has produced a detailed study of the control of criminal tribes during the early years of East India Company rule in the Punjab, where the systematic control of such groups began as early as the mid-1850s. Major finds a combination of Indian reality and British stereotyping at work.

> There did exist in pre-colonial and British Punjab a class of people who were essentially vagrant and criminal. Local society generally grouped them – as it still does – under several loose terms: Chuhra (the scavenger, the lowest in village society), Khanabadosh (the wanderer, with "his home on his shoulder"), Bazigar (also Nat: the itinerant acrobat and juggler) or Pakhiwara (the dweller in a temporary shelter of reeds). This suggests that the particular tribes

> or castes who came to be declared by the British as hereditarily criminal – principally the Bawarias, Harnis and Sansis – were, at the local level, virtually indistinguishable from the dozens of menial castes, both wandering and settled, who had a recognized (albeit low) place in rural Punjabi society as bards, genealogists, entertainers and hawkers to the landed castes and tribes.[60]

Major continues, "[T]he British were well aware that many of the Punjab's traditionally wandering groups were law-abiding and productive visitors to village society. ... It therefore became necessary to suggest that the hereditary criminals were a race apart" (662). There was at least a perception that under certain conditions such people could actually mobilize and threaten the state: "[D]uring the Great Rebellion of 1857, for instance, the 'hereditary thieving races' like the Harnis and Sansis came together under able adventurer leaders to engage in violent crime on a wide scale in the eastern portion of the province" (661). Nigam, too, records "the memory of 1857 when the 'rising' Gujars and other 'lawless tribes' cut off all communication," "when 'it took a bribe of Rs 500 to get a note on the smallest scrap of paper conveyed from Delhi to Agra.' "[61] These must be considered extreme and highly unusual cases in a period of radical disruption. Nonetheless, the threat of suspicion towards tribal groups and especially wanderers that animated Sleeman's thoroughness remained, and the application of his crime machine became an early feature of Punjab administration, implemented by officers who had served under his command in the Central Provinces.

The link with thuggee was made explicit in 1852 by H. Brereton, the Superintendent of Thuggee Investigations for the Punjab, who had served with Sleeman and supported his conclusion that the practice was hereditary. While both physical anthropology and oral tradition connected the vagrant Sansis to the landowning Raputs and Jats, and indeed many Sansis were traditional genealogists to Jat families, they had become dispossessed during the break-up of the Delhi Sultanate and had lost their land and military careers. The resulting vagrancy had indeed driven them into the ambit of ordinary crime: "[W]hen such people supplemented their regular income with begging, burglary and theft they were not infrequently protected by the local officials like the chaukidar (village watchman), lambardar (village headman) and thanadar (police chief) – who of course took a share of the booty as the price of their protection."[62] But Brereton perceived this petty crime to be an inkling of the larger conspiracy of thuggee, lumping "Sainsee burglars and Child Stealers" with "Choora thieves" and "Jat dacoits."[63] His opportunity came shortly to deal decisively with the problem.

Somewhat earlier, police in the North-Western Provinces had been surveilling and harassing gangs of gypsies, and instead of running them out of their districts had been "tethering" them to villages to be watched by local landlords. When it was discovered in 1854 that these Bawarias were thieving in collusion with the zamindars, twenty-one persons were tried and convicted, a systematic record of their criminal activity was developed, and they were placed under supervision by police. These measures were struck down by the Judicial Courts in 1867 and surveillance was curtailed.

Similarly, after annexation of the Punjab in 1847, British administrators with experience combating thuggee elsewhere continued to find it revealed throughout India. As in the Central Provinces in the early 1830s, the non-regulation system adopted there "permitted flexible and even autocratic government in the districts."[64] This gave officers wide latitude to pursue experiments in policing without oversight of the East India Company's courts. By 1855 Sleeman's report on the surveillance of Bawarias in Kanpur district was being studied for its impact on other vagrant and "predatory" tribes, and in 1856 the Judicial Commission issued Book Circular No. 18, which called for the registration of all Sansis, Bawarias, and Harnis, requiring them to possess a ticket of leave to sleep outside their village and to furnish security for good behavior.

In the same year the Deputy Commissioner at Sialkot, Edward Prinsep, inaugurated two agricultural settlements for Sansis and Pakhiwaras holding several thousand men, women, and children. In 1867, however, when the Judicial Courts in both the North-Western Provinces and Punjab acquitted the so-called "criminals," arguing that the surveillance powers over organized gangs had been superseded by the Thuggee and Dacoity provisions of the Indian Penal Code and Code of Criminal Procedure (Sections 310, 311, and 401), these settlements were found to be illegal. Inmates of the settlements were not released, however, although their strict surveillance by police had to be curtailed. Police complained; local government agreed and pushed for legislation from Calcutta.

Three years of debate between government and courts of the Punjab and North-Western Provinces followed, with its result the infamous Act XXVII of 1871 "for the registration, surveillance and control of certain criminal tribes and eunuchs."

Act XXVII virtually repeated the provisions of Book Circular No. 18, but with several additional features. The experts argued, against the courts, that the new law called for not only prosecution but pre-emptive surveillance. Hereditary crime required its own special forms of extraordinary policing to stop crime before it could occur.

> [C]riminal behavior was the defining characteristic of the group's social existence. Therefore, a distinction was drawn between individuals becoming criminal ("dealing with crime after it has been committed") and groups, castes, gangs and tribes being criminal by birth. And since the police and special colonial agencies such as the Thuggee and Dacoity Department had specialized knowledge of their criminality and of methods of controlling them, it followed that the opinion of the police officers and the special agencies was to be preferred to that of the Court.[65]

The Lieutenant-Governor of the Punjab, Sir Donald McLeod, had himself served in the Thuggee and Dacoity Department during the mass executions at Jabbalpur, and strongly supported a "special mode" of "constraint and control" when dealing with the phenomenon of hereditary crime. That this line of action had been pursued explicitly since 1856, and most likely from an earlier period in less flamboyant fashion, lent the debate a tone of *fait accompli.*

Sanjay Nigam has summarized the Government Legislative Proceedings informing the discussion; his conclusions are disturbing, but not unexpected by what we have seen earlier. In Punjab, where the mopping up of an ever-proliferating panoply of criminal gangs was intense, their descent from thugs is traced in "virtually every report." "Criminals" from various ethnic groups were rounded up together on the principle that seemingly distinct groups of Sansis, Bawarias, and Harburahs "are only one and the same people springing from the same stock and having for the most part habits of lawless recklessness."[66] This "habit" is even more primordial than that driving the thugs: "They have robbed for centuries; their ancestors robbed on a larger scale … ." Despite reports of an almost complete lack of violence in their activities, "the spirit within them [was] essentially as strong and ardent as that which animated their forefathers … and induced them in the delicate service of cutting off heads without [the victims] knowing anything about it."[67] Nigam comments, "thus attributes of one were assimilated in the other."

Heredity provided the essential element that necessitated emergency powers, making the detection and prosecution of thuggee and dacoity, like the genetic crime which followed it, a "special mode." The hereditary criminal tribes were by any account considered extraordinary. Borrowing generously from the thuggee lexicon, F. O. Mayne, Inspector-General of Police of the North-Western Provinces, argued for special legislation to suppress them, calling them "fraternities of ancient creation, their number so vast, the country over which their depredations spread so extensive, their organization was so complete and their evil was of such formidable dimension."[68]

Rather than the smooth imposition of a continuum of police pressure and the steady increase of control over "vagrant tribes," however, the Act that emerged from these deliberations was a compromise between police authority and courts seeking to restrict their powers. As we have seen in Freitag and Singha, "rule of law" faced continual challenges, and it was frequently overridden by exigencies of control rather than legal reasoning itself. Yet the law pushed back and repeatedly shaped the practicalities of rule. In the case of the CTA the pull of the court had some surprising and significant effects on the actual legislation that emerged, determining to some extent the amendment and implementation of further Acts.

Nonetheless, Nigam avers that in argument after argument the perspective of police overrode the concerns of the courts. The Punjab High Court, for instance, feared granting excessive power to police. It questioned the value of past surveillance when crime was still occurring, and it accused "native police" of colluding in crime with the tribes rather than trying to prevent it. Instead of endorsing the theory of hereditary crime that underlay the police assumptions, the Court instead elaborated a socio-economic rationale that recognized the hardship of life under scarcity as well as the mutual relationships often pertaining between criminals and sources of authority.

Objections were also voiced from the governments of other regions. Representatives from Bengal, the Central Provinces, Madras, and Bombay each pointed to the need for reclamation of this human wastage, as the only lasting amelioration would be "honest professions" for an "honest population." Each found pure repression a dangerous proposition if uncoupled from redemptive education for making a living. The Commissioner of Patna again rightly noted the potential for extortion by police of this repressed population so fully at its mercy. Other testimony, for example that of F. O. Mayne, found the additional police power barbaric, and urged instead the power of persuasion as more effective in creating loyal subjects.

The Political Agent of Jaipur, too, recommended incentives and "tranquilization," for the potential dangers of pure repression could be disastrous, as had been observed during the Santal Rebellion and the Great Mutiny. The threat of further incitement found sympathetic ears: "Repression, is but a Jack-in-the-Box policy at best effectual to keep down so long as the pressure of the lid is on; that removed up jumps the imp in all his native ugliness. … A relaxation of pressure might see them break out into excesses … ."[69] Befitting the diplomatic skills of a Political Agent, Colonel Showers recommends co-opting this population along caste lines in a continuation of divide and rule: "The very circumstance of their low caste would be to seek to point them out as especially useful to our

purpose … since … caste divisions are more exclusive, more widely separating and mutually alienating than any other, not excluding even that of religion."[70]

Nigam finds the reactions of the government and police to this resistance predictable, continually referring back to the experience of the suppression of thuggee, the greater insight and understanding of the police than of the courts, and the self-confirming proof of the criminal-by-birth argument. When the courts produced as evidence some police reports that ran counter to the received wisdom of the "specialized knowledge of … criminal confederacies," they would be rewritten by higher authorities, or explained away as anomalous. Nigam comments, "[T]he control of the criminal classes would have the control of their record as its point of departure."[71] This record demanded that hereditary criminals be caught not at the scene of the crime but in their homes, "to dam the stream at its fountainhead."[72] Nigam avers that by this time all official accounts had been "standardized" and reports were judged accurate only when they "confirm[ed] existing knowledge." Much like the process of evidence produced during thug trials, "empirical data counted for very little; it was a particular attitude that was decisive. The self-perpetuating nature of this knowledge worked through the convention of citing relevant texts."[73]

Similarly, counter-evidence could be turned to cross-purposes, co-opted, or jettisoned. Even the objections of a dissenting officer, such as those of A. O. Hume, who had produced a sympathetic account of the criminal tribes in 1855, could be seen to serve the twin imperatives of maintaining law and order in the short term and of reinforcing British rule in the long term. Brutal surveillance, although a convenient deterrent, could once again fan the "breath of fanaticism to rouse savages to rebellion and massacre," and so should be avoided. Hume wrote of the need to "assist and reclaim them." However sympathetic in their poverty and misery, and worthy of reclamation, the vagrant tribes deserved government attention not because of their depredations but rather from the threat of their neglect. Hume cautioned government that if neglected they "lie like an infernal machine beneath the keel of the good ship government."[74]

The view that came from Calcutta, however, was strongly colored by the authoritarian views of a legal member of the Viceroy's council, James Fitzjames Stephen, who believed British power in India was absolute, and that the inherent superiority of the conquering race gave it a moral duty to rigorously impose on those it conquered its laws, values, and beliefs. Stephen had no interest in rehabilitation, deeming it neither useful nor desirable. Tempered somewhat by the educative tendency of a more orthodox colonial liberalism represented by a figure like Macaulay, the Act was designed not

to further define the specifics of the Indian Penal Code but to operate alongside it in a "behavioral capacity" rather than a strictly penal one.

The final text of the Act incorporated the discussion in an even more draconian piece of legislation than that originally drafted by the Inspector-General of Police, Mayne, who hoped to retain the strength of Circular No. 18. The Act called for registration of any "tribe, gang, or class of persons addicted to the systematic commission of non-bailable offences," a clear extension of the Thuggee and Dacoity laws declaring membership in a group as a criminal offense rather than evidence of committing any criminal act. The tribe, gang, or class could be settled or removed from any place of residence by the local government, and was limited in movement by a pass system, random inspection, and roll call. The Act dictated penalties for non-compliance of rigorous imprisonment, a fine, or a whipping, and interestingly included provisions that prevented its repeal by a court of law, while indemnifying any person for any prior action taken under Circular Order No. 18 of 1856.

The Act possessed three novel features: (1) it was not subject to repeal; (2) it allowed settlement and removal, drastic new powers of social engineering; and (3) perhaps most importantly it charged society at large ("Any Village-Headman Village-Watchman, owner or occupier of land" [Sec. 22]) to surveil such tribe, class, or gang and to notify authority about their behavior. In this way it differentiated honest "mainstream" society from that which was criminal, and instructed the former to ceaselessly suspect the latter. In short it defined crime and its opposite in ways that made everyone aware of the omnipresence of the criminal. In the only real gesture towards reclamation, the Act states repeatedly that notification is designed to help the criminal "earn a living" (Secs. 3, 4, 5, 18), but nowhere is it specified how government should accomplish this or who will provide the resources. The criminal will be paid as "benefit" for his labor "after defraying the whole or such part of the expenses of their supervision and control as to the local government shall seem fit" (Sec. 17).

Nigam finds this equation upholding "the essential complimentarity of repression and reclamation as instruments of control."[75] Reclamation and rehabilitation would be repeatedly stressed in the years that followed, and we will see to what extent those imperatives were successful in Chapter 3.

Fencing the Sansis

Major provides a case study of the Sansis of Punjab, who was regarded by District Officer Hari Kishan Kaul as "the most comprehensive and formi-

dable hereditary criminal tribe we have to deal with,"[76] and among the first to be notified under the Act. "The Sansis have always headed the list as the chief of the criminal tribes of the Punjab and they contributed very largely, in 1870, to furnishing the objects and reasons for the passing of Act XXVII the following year" (5). As Kaul observed, Edward Prinsep had established two agricultural settlements or *kots* at Jhandusahi and Kot Mokal in 1856 under the sanction of Circular No. 18, and six more over the next ten years. When the courts struck down the order in 1867, the first settlers had been illegally detained for eleven years. Although no longer under surveillance, and despite the infertility of the soil and their inexperience with agriculture, many Sansis remained in the *kots*, choosing not to "issue forth and prey on the public, as of old" (6).

When considering its determination about their registration, the Government of India voiced concern about the resources enabling the Sansis to pursue an honest living. Recognizing the agricultural difficulties, the Punjab government took care to prescribe the limits of movement to ensure the gang was able to travel for employment to any neighboring village within five or six miles. "There is nothing in the restrictions … to place their members in a worse position for earning an honest livelihood … the proclaimed tribes ought to have no difficulty in obtaining ample subsistence, if they are only willing to work" (6–7).

After passage of the CTA the Punjab government applied for and was awarded declaration for the Sansis in 1873. Two years later the Government of India declared five additional tribes to be criminal based on the satisfactory application of the Act to the Sansis. The 1881 Census of Punjab recorded 16,039 registered persons from seven tribes, with some ambiguity in the counting of women and children in certain districts. By 1891, 10,229 men (not counting women and children) were subject to its restrictions; by 1901 some 49,061 adults from nine tribes were listed, and in 1912 the Act touched 21,215 males from sixteen tribes for a total population of 63,645.[77] Enthusiasm for registration did not necessarily solve the crime problem, however. While there had been a gradual easing of restrictions for good behavior in the1880s, by the late 1890s it was discovered that many Sansis had escaped registration by migrating to other districts, assuming aliases, or joining the ranks of nomadic tribes. Registration and settlement actually contributed to the growth of nomadism for the restrictions of the Act did not yet apply to the permanently wandering populations. In 1902 all male Sansis over the age of 12 were ordered to be registered, anthropometrically measured, and fingerprinted throughout Punjab, along with all males of the other originally notified tribes (Harnis, Bawarias, Pakhiwaras, Minas, and Tagus).

The agricultural settlements were failures due mostly to overcrowding, with most families receiving less than two acres of marginal land. Reports of collusion, absconding, failure to take the roll call, and apathy towards education were common. The Deputy Commissioner called the system "radically unsound," revealing the tension between discipline and reclamation inherent in the process.[78] Some residents of the Sialkot *kots* were not permitted to travel far enough for employment, and so, as Kaul recorded, were forced to abscond in order "to keep body and soul together in their villages" (9). When a request was made for Rs. 4,000 to repair wells and make other improvements, only Rs.1,600 was granted, and instead of waiving the annual revenue payment for a troubled village, the government collected a *malikanna*, or additional tax, from residents of the other *kots*. "The whole history of these settlements since their inception since 1856 is a record of trouble and difficulty" (9).

The 1914 report of District Officer Kaul, working with Police Officer Lionel Tomkins, detailed conditions in two villages with differing experiences of settlement. At Dhingranwala, population 149, the roll call was a "farce" as there was no official register. There was no irrigation, and the land produced only about one-eighth the expected harvest. "It is impossible for the people to live on this." The school had been closed since 1872, and no one in the village could read or write. There was no shop-keeper. "They were a dirty, ill-clad set, evidently very poorly off and with little apparent interest in life. The people in the neighborhood complain of their depredations …" (10).

At Mandianwala, however, the people were able to supplement their agricultural production with petty employment in Sialkot town, earning six to eight annas per day. The residents were described as "well nourished and well clothed; their houses are well built, neat and clean, many of them exhibiting signs of carving and ornamentation" (10). There was a school run by the American Mission and attended by three Sansi boys of converted parents who were literate. Yet Kaul tells a peculiar story of nepotism among the officials charged with the settlement's oversight, and one wonders how common it must have been. Fifty acres of land had been taken from the Sansis by the Deputy Commissioner and given to a European to act as *jemadar*. Upon his death the land passed to his son, who was dismissed when he refused a transfer. Kaul comments, "The land seems to have been wrongly taken away from the Sansis and should be given back" (10–11).

Nigam tells a similar, but more sinister story about the early settlement of the Bawaria tribe in 1863 in western North-Western Provinces, near Muzaffarnagar in Meerut division. They had been extensively surveilled and harassed since 1855, and were finally forced to settle down at a colony

in Bidauli in 1863. Subjected to notification under the CTA in 1872 for their lawless tendencies, their original settlement "was motivated … to play off the Bawarias against the Gujars of that region," cattle grazers who had taken to cattle lifting rather than agriculture, and were lowering the revenue value of the land by reducing its productivity and thus its tax basis. The local Magistrate, Mr. Martin, attempted to set the groups off against each other out of "fiscal calculations," as he put it, "to be productive of immense benefit to the state."[79]

The Gujars apparently dreaded the Bawarias, whose presence compelled the Gujars to return to cultivation, increasing the acreage under the plow by one thousand over ten years. The Bawarias did not fare as well as the tax collector, however. Their crops failed the first year, leading them to abscond; this resulted in greater police surveillance. In the next year the landlord used Bawaria labor to dig a canal, greatly increasing the value of the land, which the poor Bawarias could now no longer afford, so they were shifted on to poorer land in favor of higher paying tenants. When the landlord now actively encouraged them to take to thieving expeditions, replacing them with further new tenants and demanding a share of their loot, the criminal tribes went so far as to stage a protest with the District Magistrate against the landlord for forcing them to become thieves. The leaders of the protest were arrested and the rest sent back to Bidauli. Nigam comments that this experiment supported the "general function" of reclamation efforts. This particular case was considered a "success" in that it increased the value of the land and raised the net government revenue. "[I]t represented in microcosm the moral social order of the peasantry – the industrious and hardworking subjects of the Raj. … The agricultural settlements … were the quarantine, where the criminal tribes were treated by discipline so that they would not infect the social body of the moral subject."[80] Thus the tribes could continue to be seen as a race apart, people beyond the pale. Government rarely devoted sufficient resources to allow their reclamation to work; instead of becoming successful farmers, they were transformed into perpetual criminals. "The idea was to draw the disobedient criminal types into accepting obedience, poverty and industriousness."[81]

In the figure of the landlord "the colonial state confronted its own creation"; the principle of economic competition combined with coercive special legislation against the tribes rewarded the system of extortion, forced labor, collusion, and extreme discipline that actually fostered the corrupt relationship and made it profitable. By 1878 the Bawarias openly defied the surveillance mechanisms pertaining to them. One thousand of them had fled; the Commissioner of Meerut observed that the 700 who remained were used

as "cat's paws" by the landlord "to break up the jungle lands, they are not allowed to attach themselves to the soil and full use is to be made of the power of shifting their holdings."[82] The government finally recommend dispersing them back to the original villages from which they had been collected fifteen years prior.

With the rapid growth of the population under surveillance, and sufficient resources perpetually lacking, beginning around 1910 the Salvation Army was invited to take up administration of the *kots*, and after three years Kaul reported the assistance to be by and large "wonderful." But he also found that "sufficient occupation was not provided for the inmates. In fact it appeared that the settlements had been filled without previously organizing sufficient means of livelihood" (20). Kot Mokal, for instance, seems "more in the nature of a missionary effort than an industrial settlement and is not capable of becoming anything else. … [it] has already more people in it than it can support. … The industries do not pay." There is a school, but parents are "afraid of the conversion of their boys to Christianity" (82–3).

Conclusion

Discussing the science of Victorian protoethnography of the kind inaugurated by the anti-thuggee campaign and later developed by the study of Indian physical types, Christopher Herbert comments that its effectiveness lay in showing how "every customary practice" participates in "a great self-enclosed system." This practice is essentially similar to that of detective fiction, in which "the reader plays detective as he follows, and indeed perhaps anticipates the deductions of the fictional detective" to reach an inescapable conclusion.[83] Although British social science concerning criminal tribes was far from fiction, because it stemmed from the prior example of thuggee it possessed something of a preordained plot, a well-known cast of characters, and an approved place for the role of the reader – that of the detective. The practical fate of this "scholarly silsilah" at the hands of the "administrative-academic" will be explored in the next chapter.

3

Discipline, Labor, Salvation

Repression, Reform, and the Thuggee Precedent

Criminologist Mark Brown has noted the tension within nineteenth-century liberal political thought between reform and repression, what he terms "orthodox" versus "authoritarian liberalism," that played out with special vigor in the laboratory of colonial India.[1] This tension is well represented in the history of administering the Criminal Tribe Acts in Punjab, where the reputation of the virile "Punjab school" of muscular and parsimonious administration met the redemptive benevolence of the Salvation Army. The Army, as its name indicated, combined military discipline with spiritual Christianity to affect a "cure" for the contagion of crime. Several examples of varying success will illustrate the complex and uneven trajectory of this interaction.

James Fitzjames Stephen saw the strict compulsion of law itself, and the pain of punishment for defying it, as the most efficacious practice of reform, a "compulsory gospel." As legal member of the Viceroy's Council, he left a strong mark on the Criminal Tribes Act, which was originally and continued to be in subsequent iterations, unusually despotic. As opposed to more orthodox liberals like Macaulay (who drafted the Indian Penal Code), who believed "that by good government we may educate our subjects into a capacity for better government,"[2] Stephen insisted that British rule in India was absolute and Indians ought to obey it under pain of compulsion. While Stephen shared the utilitarian goal of promoting happiness for the greatest number through good government, and believed this end was best served by free interaction and free trade, he had no hesitation in justifying Britain's civilizational superiority to India and thus its right to rule. Writing in 1876 after the conclusion of his stay in India, Stephen observed:

> The establishment of a system of law which regulates the most important part of the daily life of the people constitutes in itself a moral conquest more striking, more durable, and far more solid, than the physical conquest that

> rendered it possible. It exercises an influence over the minds of the people in many ways comparable to that of a new religion. … Our law is in fact the sum and substance of what we have to teach them. It is, so to speak, the gospel of the English, and it is a compulsory gospel which admits of no dissent and no disobedience.[3]

Although the Salvation Army was dedicated to reform and rehabilitation, "salvation," it showed a marked appreciation for harsh discipline, penalization, and "compulsion." Before this, however, and despite the pressures towards reform and enlightenment promoted by certain liberals, there was a very harsh attitude towards what were perceived to be organized bands stemming back to the early days of East India Company rule. Sleeman himself had little taste for reform of the thugs, although he used the language of Anglicist intervention during Bentinck's tenure to attract attention to his efforts. In the spirit of the special legislation, thugs were beyond the pale; there was no point in trying to reform or educate them. The suppression of thuggee was not to be seen as interference in internal Indian affairs, much less an influence on their religion or customs, but rather as straightforward police repression for the common good. Sleeman felt that the pressure of harassment and prosecution would force any remaining bands to disperse and to take up other occupations. Approvers could be cultivated and made useful under threat of prosecution, but thugs, while noble, were too far gone to be redeemed.

A School of Industry had opened at Jabbalpur in 1837 combining a penal residence and manufacturing center for the alleged reformation of the approvers, but by 1839 it was clear that Sleeman was not in favor of expanding its operations, and he tired of the effort to create intimate informers by settling thugs and their families within his compound. Other thuggee officers such as James Paton and Sir Donald McLeod applauded the success of the School, envisioning a time when even the children of criminals could be educated in "the delightful fruits" of "Christian instruction and virtue."[4] Although thug prisoners had been carefully prevented from breeding, by 1870 the village surrounding the School had grown to over 400 thugs and dacoits, their wives, and more than 1,500 children.

The School churned out bricks, tents, and carpets, as did other Indian prisons. Their carpets were considered the best made in India, gracing the Great Exhibition of 1851 and being presented to Queen Victoria. The tents were supplied to the Indian Army, and the School consistently turned a profit until it was finally closed in 1892.[5] Since the 1770s the attitude of Hastings had prevailed in urging that families of dacoits and other criminal communities be enslaved and put to hard labor. The apparent success of

the thuggee campaign and especially the peaceful settlement of the approvers and their families encouraged some to propose "the same controls may be extended to every class of persons matured in crime."[6]

In his report on the Punjab in 1914, Hari Kishan Kaul admired the aspirations of the Salvation Army, and saw promise in their work, but as it was just beginning there was still great room for improvement. By this time the Army administered seven settlements in the United Provinces and five in the Punjab. In Punjab it accounted for 1,600 souls in its camps, out of a total registered population of 63,000 men, women, and children, many of whom were settled, but unsatisfactorily, among the eleven Sialkot *kots*.[7] Kaul's report was designed to study the effects of the renewed Criminal Tribes Act of 1911, which made it obligatory for notified tribes to report for registration and charged local governments with the task to begin the study of settling down nomadic tribes. Kaul worked closely with the Army in Punjab to propose new recommendations for implementing the Act. The obvious problem with expanding the Act to include the wandering tribes was that of finding suitable land and how to engage them in productive reform.

The new policy came into force in 1917 with the notification of an additional 150,000 persons, and the registration of *all* male members of criminal tribes, bringing their number to 33,000. The Army was pleased with the establishment of a central reformatory in the Amritsar jail designed for "breaking fresh and obdurate gangs into harness"[8] before redistribution to outlying industrial and agricultural settlements. By 1919 there were twelve of the former, housing 4,583 inmates, and ten of the latter, with a population of 3,140. More than half were administered by philanthropic organizations such as the Arya Samaj, Chief Khalsa Diwan, and Anjuman-i-Islamia.[9]

In the 1920s a new emphasis emerged on reformation through education and eventual assimilation into the general community. This called for basic compulsory education for children who lived within three miles of a village school. After a period of relaxation, the new CTA of 1924 provoked another re-registration drive, and by 1931 the number of registered males peaked at 35,710 out of a total population of 150,596 notified in the province.[10]

Within five years, from 1911 to 1916, the Army had helped to convince the Punjab government to drastically widen the scope of the Act and to increase the numbers of people in settlements five-fold, from 1,600 in 1911 to 8,000 by 1919. While the experiment with industrial settlements was finally considered a failure, and their numbers declined steadily after 1919, the number of agricultural settlements doubled in the period, with their

population reaching 12,669 in 1938.[11] By the time of independence, 20% of the notified Punjab criminal tribe population, which had declined to about 130,000 due to "reformation," was housed in settlements and reformatories. Compared to the 0.25% of criminal tribes persons settled in the United Provinces, these branded criminals experienced at least a measure of stability and order. UP had by far the greater number of individual tribes and total population as well as a longer history of their administration, but Punjab had a far more effective mechanism for netting and retaining those registered under the Act. In Madras, by comparison, some seven branded tribes comprised about 3,700 persons in Salvation Army settlements out of a total of 768,119 notified persons for the region, or around 4% of the registered population.[12]

Case studies from each region will provide a glimpse of both the homogeneity and heterogeneity of the implementation of CT legislation, with a view towards elucidating how "reform" affected individual subjects and group consciousness.

Kot Mokal

We have seen how the Punjab administration began rounding up and detaining suspected thug tribes from mid-century. Freitag noted how the policy and implementation were sometimes farcical in the United Provinces.[13] In the early days of surveillance in Punjab, too, the mistakes and reversals make for tragi-comic reading.

A group of Sansis had been declared criminal in 1856, and were settled in Kot Mokal. The judicial decision of 1867 had deemed their detention illegal, but had not freed them; police surveillance was diminished but inmates stayed within the village at government expense, paying less than one-third the value of the land revenue.[14] The Sansis were officially notified under the CTA in 1875, but released from the provisions of the Act in 1884 for good behavior and "liberated" from the settlement. They were then re-notified in 1886 when it was found that offenses against the Indian Penal Code in the area had increased, but also that very many of them had fled the district.

Like the Sansis, some Pakhiwaras (who were considered an ethnic subset of Sansis) were similarly settled in 1856. Also like the Sansis they were notified under Act XXVII in 1875 in Sialkot district, but by 1899 it was discovered that many of them had fled to other regions, so in 1902 the notification was extended to the entire male population of Pakhiwaras over the age of 12, along with all Sansis, Harnis, Minas, Tagus, and Bawarias

throughout the province. Their fingerprints were recorded and many were anthropometrically measured, but their settlement was still considered vexatious. In 1903 some 860 out of 1,136 were again exempted from the Act, now because they had become a burden on the treasury. Even for the 288 men remaining in Kot Mokal, it was reported in 1907 that there was not enough land to support them. In 1908 the annual report claimed these residents "are by far the most criminal in the district and show no sign of reformation. They are constantly absent and commit crime of all kinds all over the country."[15] By 1912 the notified Sansi population stood at 25,800 throughout the province.[16]

In what all parties agreed was a godsend, the Salvation Army was enlisted to help meet the indefinite burden on the state. It had begun its activities amongst the criminal tribes in the United Provinces in 1908 at the invitation of Sir John Hewett, Lieutenant-Governor, by taking over a settlement of some 300 Doms in Bareilly that had been administered by the police. Inspector F. C. Daly agreed that "success in reclaiming criminal tribes varies in direct proportion to the means provided for their subsistence. The crux of the problem lies in the relief of economic distress."[17] This was indeed explicit in the Act of 1871, but as always the question of resources dictated the success of policy. The Army received government funds for supervision, education, and buildings, but provided its own workers, whose zeal, dedication, and parsimoniousness was legendary. By 1928 they were administering twenty-eight settlements and schools in seven provinces, with a combined population of over ten thousand inmates, almost half India's sixty-one official settlements and one-third of their 31,000 population. Settlements were designed to be financially self-supporting; profits from the settlements were to be funneled back into operating costs. But the true value of administering a captive population was the harvest of souls.

Prior to the Army's entry into Punjab, Kaul reported, efforts to enforce the law had been "spasmodic." While there was some oversight and control of criminal gangs, there had been no "reclamation" to speak of. On the contrary, the tribespersons were frequently able to bribe their captors to escape the provisions of their detention. As a result they huddled in an indeterminate position "vacillating between fear of the law on one side and hunger and crime on the other."[18] It was too expensive to jail them and too inefficient to supervise them. Some intermediate measure was required.

Kaul in the 1914 report admiringly cites Booth-Tucker's pamphlet *Criminocurology or the Indian Crim and What to do with Him*. In it, Booth-Tucker enumerates the guiding principles for reforming criminals:

punitive, deterrent, preventative, and curative. Obviously the Army stressed the latter two, providing an atmosphere of healthy Christian morality, education, and the optimistic prospect of "salvation." "Their system consists in concentrating the criminals in settlements, finding work for them, preventing them from pursuing crime and gradually weaning them, by education and personal influence, from their criminal habits."[19] Booth-Tucker summed it up in the formula, "Concentration, Control, Employment and Reform."[20]

The theory outlined a regime of redemptive education and unending labor so that residents had little time for anything but work and prayer. But reform was often dependent on repression; the *compulsion* to reform was necessary to emphasize in cases where the willingness was not sufficiently present. During these early years of Army operation, Kaul noted some ambivalence in its success.

In 1909 Commissioner Booth-Tucker had approached the Punjab government with a plan for reforming children of the settled Pakhiwaras at Kot Mokal, who he averred would become "an element of great danger and difficulty in the future, as they are being trained in lives of crime." After one year of experience running the settlement at Bareilly, Booth-Tucker was convinced that the family of the criminal was the key to successful reformation, and that along with the novel experiment of reforming women along with their menfolk, the supervision of children was to be a major portion of the Army's efforts. Trained from birth and "devoted from the cradle to the grave to a life of crime,"[21] the criminal tribesman is an exception found nowhere else, and so demanding of special techniques. Booth-Tucker impressed his audience with his knowledge of the inner workings of the criminal conspiracy: "At Kot Mokal the favorite pastime among the children appears to be to build mud homes and practice burgling them, while some old Pakhiwara acts as umpire to decide who excels at the art."[22] In April 1910 the government awarded Rs 500 for buildings and a monthly maintenance grant of Rs 200 for the first year and Rs 150 for the second. By September 1911 Kaul was sanguine about the expenditures.

Yet at the time of his visit to Kot Mokal two years later Kaul remarked,

> Except cultivation, practically no other occupation is followed. … [T]he Pakhiwaras of the *kot* have not been given a fair chance of reforming and, if there is good foundation for complaints of their thieving propensities, the blame cannot be said to rest entirely with them. Between lack of land and industrial opening on the one hand, and rigid restriction of movements on the other, the people have been driven into seeking a means of subsistence by crime … .[23]

He is optimistic about their potential, but discouraged by their actual progress under the new administration. "The people are a fine manly race. … Given the chance, they will settle down, just as the people of their tribe have settled down to honest livelihood in other villages in the Sialkot district and in Gurdaspur, Gujranwala and Ferozepor, where the conditions of life are less unfavorable than at Kot Mokal" (19). Unfortunately, Kot Mokal "is more in the nature of a missionary effort than an industrial settlement, and it is not capable of becoming anything else." The village, population 990, "already has too many people in it than it can support" (82), and "it is too far from the railway to ever become a successful industrial settlement" because of the prohibitive price of carriage to the rail line. In Punjab in general the Army's influence was beneficial, "but we were disappointed in many settlements to find that sufficient occupation was not provided for the inmates. In fact it appeared that the settlements had been filled without previously organizing sufficient means of livelihood" (83).

In the absence of productive work, one presumes, Sansis and Pakhiwaras were strongly encouraged to work on themselves. The rhetoric of reform in Booth-Tucker's publications repeatedly stresses Christian virtue and proper domestic deportment for man and woman, and provides many examples of restructuring the outer and inner lives of criminals in conformity with Christian propriety. But even more elemental than reformation is repression. Kot Mokal was labeled a failure as either an agricultural or industrial settlement, but as we will see the enthusiasm for notifying and settling criminal tribes did not dwindle in the coming decades. Radhakrishna notes that despite government anxieties over the failure to open new wastelands to cultivation in order to increase the revenue, or even to keep settlers productively occupied, "the progress of the settlement itself was identified with progress in land reclamation … ."[24] Some small expense was deemed justifiable for containing the tribes, even if their labor could not always be made profitable or their "reform" was not entirely measurable.

Many such failures occurred throughout India for a variety of reasons. The settlers were often not from peasant backgrounds, the land and implements given them were inferior, the wages paid were not competitive with what they might be hired for as agricultural laborers, they had to pay inflated rents, and they were sometimes forced to grow cash crops and purchase their food at the company store. Moreover, wandering communities did not take kindly to being forcibly settled. Most of all, Indian landlords resented the loss of their potentially free labor to missionaries and government, which they felt entitled to exploit as their own "cat's paws." Nonetheless, in the wake of the 1911 Act, settlement of criminal tribes became "the hobby of the hour."[25]

Criminocurology

Frederick St. George De Latour Booth-Tucker, Special Commissioner of the Salvation Army in India and Ceylon from 1907 to 1919, concurred with the authorities that Indian hereditary criminality was exceptional. Citing a "vast conspiracy of crime that overspreads the entire country" in his work *Mukti Fauj, or Forty Years with the Salvation Army in India and Ceylon*, Booth-Tucker found that, unlike in England (where he had considerable experience reclaiming for Christ the dregs of humanity), the Indian criminal "consist[s] of entire Tribes, Villages, Clans and Families. … Numbering at the lowest calculation one million men, women and children" who "have parceled out … the entire country between themselves as a happy hunting ground."[26] *Pax Britannica* had done much to stop this "widespread residuum of crime and criminals," but the main impediment to such efforts was India itself. Politically divided among "500 Indian Princes" who command their own police forces and "vested interests" that were prey to bribes and corruption, Indians were not the victims but the benefactors of crime. Thus they had no interest in controlling it. What was "crime" in such a generalized and omnipresent form? It could be nothing less than a total system that had to be changed in its entirety.

Booth-Tucker's solution, which he dubbed "criminocurology," was a unique inversion of the properties found to be animating the criminal in the first place. Indian criminals were hereditary, and in this way unlike everywhere else. Booth-Tucker turned criminality into its own, now positive, identity marker. Despite being divided into castes, tribes, clan, families, and gangs of all sort, criminals had one common identity. It was not a positive character that had gone wrong and so must be regained through rehabilitation. They had always been criminals and always would be, and this fixed trait provided an opportunity for eternal vigilance.

Booth-Tucker wrote of his discovery with optimism verging on rapture:

> With the Indian criminal you have nothing to work on. Unlike his fallen brother in Europe, he has no recollection of better days. There is no tender chord left by the remembrance of a sainted mother, wife or sister; no Sunday School memories. He only knows that, like Ishmael, every man's hand is against him and his hand is against every man. So far as he knows it has always been thus. He is not the "Prodigal," for he has never heard of the forgiving Father. He is not the "Lost Sheep," for he has never been in the fold, and has never known the loving Shepherd. He is the "Lost Piece of Silver."[27]

An identity could be installed within this criminal core by means of strict physical regimen and ideological programming. The regimen was not unlike that found in prisons, stressing punishment and deterrence, but in the settlements the "treatment" for crime also consisted of a measure of prevention and cure as found through unremitting labor and Christian proselytizing.

Booth-Tucker gave a voice to this criminal identity by means of a cultural program designed to make rehabilitation central to everyday life. Rehabilitation itself implied constant vigilance; the criminal was schooled to actively embrace his criminal nature and to ceaselessly struggle against it. The struggle was manifested in a variety of behaviors that amounted to "moral sanitation." These included strict temporal ordering of the day, its cycles signaled by the ringing of bells or blowing of whistles; dedication of almost all hours to productive labor; organized prayer, Bible study, and church attendance; training in literacy in order to read the Bible; punctiliousness of personal hygiene and dress; active embrace of the criminal identity. Booth-Tucker notes the progress of a settlement of some 800 Harburahs near Moradabad. Some months after Army discipline had been introduced, the people underwent a remarkable transformation. They gave up hunting jackals, "the people were well dressed, tidy, well fed, bright and intelligent," and some young girls had composed a song about their new identity in the settlement: "We are Nekmashes [bad people], you must know!/ If you doubt it, you can see our Certificates!"[28]

In *Criminocurology, Or the Indian Crim*, written around 1910 and reprinted at least four times by 1916, Booth-Tucker outlined his program and commented on its success among the Sansis of Kot Mokal. For Booth-Tucker the failure of this "most difficult and discouraging" experiment was attributable not to the Army's mismanagement, but to both government and the Pakhiwaras themselves. Government had not given them sufficient land and failed to exercise a "stronger policy." "Incorrigibles" such as Pakhiwaras, a "tribe notorious for their criminality" and of "desperate and lawless character," must be "firmly dealt with," by "applying compulsion."[29]

Writing five years after the Army took control of Kot Mokal, but unable to turn it around, Booth-Tucker is able to classify, and so clarify, the nature of the settlement's failure. He is absolutely clear about the meaning of the "Gospel of Compulsion," and faults government for not enforcing the punitive provisions of the Criminal Tribes Act. In fact, instead of an operational settlement of individuals practicing a mix of industry and tenuous agriculture towards a program of eventual reform, as the government envisioned

it, the Pakhiwaras at Kot Mokal should have simply been locked up in jail. Logically, their children should have been removed from the pernicious example of their parents and reprogrammed while still malleable, such as at the Danepur Reformatory in Lahore, "a new departure in Penology of an extremely interesting character."[30] In Booth-Tucker's estimation all prior experiments were designed from the first to fail, there being inadequate convenience for industry, inadequate land for agriculture, and inadequate understanding of the true nature of Indian criminality.

India was an anomaly in the organization and perpetuation of its criminal system. For Booth-Tucker, crime was organized by caste, and was an hereditary profession. Theories of hereditary crime were now becoming increasingly less persuasive as government sought to control and channel the criminal propensity rather than merely to suppress or exterminate it, as with thuggee. A better test of authority would be to manage it, and if possible turn it to productive use. Radhakrishna comments that by the time of the reissuing of the CTA in 1911, there was a growing "need to see crime as arising out of some administratively manageable cause, such as unemployment" rather than biological determinism, so as to "make the process amenable to bureaucratic intervention." The problem of criminal communities came to be seen as stemming from "identifiable, correctable and material causes as opposed to genetic, racial, environmentally deterministic ones."[31] This applied to the notions of hereditary criminal communities in that they were no longer to be seen as unredeemable, but rather redeemable by increasingly punitive measures.

Booth-Tucker's innovation did not argue for the elimination of the prisons, despite their expense, but rather for the transformation of prison technology into a more flexible, transportable, and efficient mode that could be applied to exponentially larger numbers of people. He created a ranking of degrees of severity within the context of hereditary crime that made reform amenable to the theory of the criminal by birth. That is to say, the exceptional nature of heredity justified extraordinary measures to combat it. It was not something entirely capable of reform, but it did come in degrees that could be progressively managed and contained. The nature of criminality was redefined to exclude "Incorrigibles" from the techniques of reclamation. Those who were truly beyond the pale had to be quarantined and punished, while the much larger population of "ordinary criminals" could be worked on with new techniques. By the 1910s the state's immediate problem was "legally dealing with 'criminals' who had neither committed a crime nor possessed criminal genes."[32] These had to be seen as products of direct causes and subjects of equally straightforward cures.

Booth-Tucker is certain of both in Kot Mokal. The cause of Pakhiwara crime is a "handful of Incorrigibles who control the tribe."[33] Booth-Tucker had a full-blown repertoire of thuggee lore with which to impress his readers: "a compact phalanx of trained warriors, including men, women and children. … They meet power with cunning, and force with fraud. … Trained from infancy by their expert leaders, they carry on a guerilla warfare which defies the combined efforts of an army of 150,000 police and 700,000 village watchmen to repress."[34] This ordinary crime is not uncurable; it simply must be cured severely. Identifying this crucial element of the problem is the basis of its solution. Once understood, its lesser dimensions fall into perspective.

For the Incorrigible at Kot Mokal there is no cure, and this is "really the key to the situation" of collective crime in India. He "has deliberately chosen crime as a profession," and must be "controlled and suppressed" using the "utmost terrors of the law."[35] This had not been done heretofore at Kot Mokal. "The Government could not see its way clear to applying compulsion, or to enforce the provisions of the Criminal Tribes Act, and in the absence of such action persuasion was of no use."[36] Having identified the "handful of Incorrigibles that control the Tribe," Booth-Tucker recommends "severest punishments." "To Banish him to the Andamans with his family, and in some cases with his gang … seems the best solution to this part of the problem."[37] Having lopped off the head, the larger body of Habituals, Hereditaries, and others then become reformable provided government allocate sufficient resources and the Army be allowed to do its work. There is hope for the other settlers if the Incorrigibles are "firmly dealt with."[38] Thus while hereditary crime is still seen as operative, its cure is no conundrum. It must be exterminated with the greatest prejudice, leaving the mass of "ordinary" criminals uninfected by its taint. Repression is the key to reformation; certain human material is uneducable unless first softened by a strong dose of compulsion.

While the Army did emphasize the preventive and curative dimensions of criminal rehabilitation, it made no mistake about the centrality of punishment to reform. "While the sword rests in its scabbard it cannot be a 'terror to evildoers'." Just as God punishes sin, the law punishes crime. Understanding this, "it is not enough to ask him to reform himself. His condition and circumstances should be made such that he will be compelled to reform by every instinct of self-preservation."[39] As such, Booth-Tucker envisioned settlements not as uncomfortable but necessary places of reeducation, such as schools, but rather as painful extensions of the prison. As at Danepur, he lobbied successfully to have certain settlements function as half-way houses for jails where the convicted prisoner could complete a

portion of his term while being reformed. This of course required strict security in the settlements, which, as the experiment progressed, were said to increasingly resemble Nazi concentration camps.[40] At the settlement that fed Parry's sugar factory in Guntur, Andhra Pradesh, the manager in 1896 described the salutary effect of good security:

> The whole of the settlement was fenced with a stout barbed wire fence on steel rail posts and reinforced with a thorn hedge, the exit being under control of a watchman the whole of the day and night. Besides this, the lines where the settlers lived were illuminated by electricity– 50 candlepower, 210 volt lamps. … This arrangement has made the work of supervising the settlers very much more easy and has in fact been a great factor in counteracting many a vicious tendency to which the Koravar is addicted.[41]

In Kot Mokal, by contrast, government had not provided sufficient infrastructure. "The village has no wall around it, and is built on the rabbit-warren principle, so that on a dark night it is easy to bring in the loot unobserved in spite of the presence of an Inspector and strong guard of constables."[42] Nor had it provided sufficient land. "There was one weighty excuse they were able to make for their marauding propensities. How else were they to live? … If, however, Government would give them sufficient land for their surplus population they would quit robbery."[43]

For Booth-Tucker, prevention of crime called for strict segregation of the hereditary criminal from the rest of society. Crime was equated with disease, and the hereditary was considered, until cured, a constantly threatening vector:

> Segregation is one of the most effective means of combating epidemics of crime. … They ought to be quarantined and made to spend their time under the yellow flag. They need not necessarily be imprisoned, but they should (with their families, who are in India usually more or less partners in crime) be strictly segregated, and this step in itself would probably serve to reduce crime by at least 50 to 75 per cent.[44]

Segregation of course meant confinement or concentration; the settlements ought to be designed primarily to remove tribes from the population by penning them together and denying them exit. Far from assimilation into the general society, the settlement was designed to isolate. Thus segregation was most effective when it was done to whole families, including children. In prison, the Incorrigible must be separated from his family; however, before the expiration of his term he should be reunited with them and the whole family farmed out to a settlement in order to encourage "good

moral influences. … His prison garb and chains will be discarded, and he will gradually be strengthened and accustomed to use his broken will-power." There his wife and child can take "cheap and safe harbor" with him, where their labor "would at least partially meet the cost of their support."[45]

Beneath the Incorrigible are ranged a typology of the criminal character, classified as the Habitual, the Hereditary, the Ordinary, the Youth, and the Child. The crucial innovation seems to be to classify, or appear to classify, the criminal into a spectrum of degrees of receptiveness to cure, punishing absolutely the hardest while providing an array of options for those below. Even more than the actual categories, the act of breaking down and offering progressive degrees of severity makes the problem seem tractable. Booth-Tucker reiterates this over and over in his writings – that the problem of crime is actually a problem of criminology, of understanding and administering crime: "While crime cannot be altogether eradicated, it can certainly by *maximized* by a faulty system of penology, and on the other hand it can be *minimized* by discovering and adhering to certain foundation principles."[46] Chief among these are a definite policy, classification, and guiding principles. And although these vague "principles" are nowhere clearly spelled out, they do seem to form something of a system. That system stresses control, by which is reiterated "the strong hand of authority" and "the grim alternative"; concentration, as would be done for "cholera, plague or smallpox"; and employment. "In all the great cities of India there is a constant and increasing demand for labour."[47]

Compared to the Incorrigible, "the ultimate reformation" of the Habitual "is as child's play." "He is to a large extent the creature of circumstances from which he cannot escape." He "revenges upon society the injustices of which he feels himself to be the subject." This pang of conscience can become the vital handle of reform. As with the "ordinary or the accidental criminal," the Habitual is a victim of society. One should change the social context in which he finds himself by removal to a criminal tribes settlement. Thus compelled to fit into a new form of society, the sense of injustice can be turned towards justice through God and labor.

By contrast, the Hereditaries condense the tropes of thuggee into the scourge of rebellion. Their form is exceptional, "almost unknown in Europe." They are an army that wages war against the forces of law and order. They are expert dissemblers, opportunistic, "trained from infancy" and "unencumbered by weapons," embedded in rural society which "contribute[s] to their support," and colluding with local officials such as the District Magistrate or Superintendent of Police. This category is clearly meant to stand in for the traditional view of the criminal by birth, as

descended from the thugs. But now the dilemma of heredity is open to amelioration, having been classified and defined.

Ranged below the Hereditaries are the Ordinaries or Accidentals, who have likewise been "manufactured into dangerous criminals by a faulty system." Their "keen mental anguish," too, can be leveraged into conscience through Bible study and work.

For the Juvenile Criminal, the priority is "separation of these youths from their crime-soaked adults." Booth-Tucker is sanguine at the progress of the Punjab Borstal Jail, where some 2,200 youths recently had been interned. Graduates of the Jail had been farmed out to reformatory settlements, such as the one at Danepur. Kaul in his report questioned several of the Army's schemes in Punjab, illustrating the ambivalence of the design to create fully functioning labor settlements able to provide a livelihood to their inmates. At the Danepur settlement, for example, sufficient numbers of settlers from the general population could not be induced to enter willingly, so the Army recruited youths from the Borstal Jail "rather than remain idle." Thus peopled with experienced prisoners, Kaul wondered if the desired reformation could take place. "Whether, in the event of this settlement being fully utilized for the reclamation of criminal tribes, it will be desirable to have a stream of young criminals continually flowing through their midst is open to question. The combination does not seem a happy one."[48]

The Child Criminal presents a complex dilemma. Here we see Booth-Tucker's enthusiasm for social engineering at its most radical but most contradictory. Children criminals are of two kinds: those trained by their parents to a life of crime, or those abandoned by them, "the waifs and strays," who form "an increasing menace." Both are "assets" to adults, whether relatives or not, for these urchins are "never abandoned." They are always "compulsorily enrolled" through "universal conscription" in the force of boy and girl scouts "training for a career in crime."[49] Needless to say, prevention demands these ties be "severed from their employer in crime, even when these may happen to claim relationship." The parent is seen as an employer, the child as his worker, their relationship as contractual as a wage. To honor this relationship is "like binding a child to a putrefying corpse."[50]

Much of the problem at Kot Mokal lay in the government's failure to exercise sufficient authority. For Booth-Tucker, the obvious remedy for the child criminal was to remove it from pernicious influences. The only solution was separating children from their parents. "We were anxious to remove at least 50 of the lads to the Danepur Settlement. They could not come voluntarily. … But Government could not see its way clear to apply-

ing compulsion … ."[51] In fact the Act of 1911 had a provision, number 17, for precisely this action, to "separate and remove" children between the ages of 6 and 18 from their parents or guardians, and an additional provision, number 19, to "transfer" any such child to any settlement or school "in any part of British India."[52]

Prior to the Army's intervention, local governments had been extremely reluctant to exercise this provision given the delicate nature of the task and the expense of housing and educating masses of wild children. Subsequent to it the Jails Committee was just as hesitant. In their Report of 1919–20 the Committee wrote:

> We are unable to approve another proposal for which the Salvation Army had made itself responsible, namely … children … should be separated from their parents. … This view is wrong. … Forcible separation would be an act of inhumanity. … Such separation would have so perturbing an effect … as to destroy any hope of influencing them for good. … Experience all over the world is tending towards the view that home life is superior to life in an institution. … The children are often found to exercise a valuable humanizing influence on the parents. … We have no hesitation in condemning any proposal for the wholesale separation of the children from their parents.[53]

Booth-Tucker held contradictory views about both children and domesticity. He viewed the criminal family as a breeding ground, since crime was learned as a profession, and taught by adults. Yet Army rhetoric was devoted to destructuring the tribal family and in its place reconstructing the Christian nuclear family as the proper moral framework to guide personal behavior. There were clearly proper and improper families; heredity dictated the principle that the "crime-soaked" Indian family should be broken up. Government efforts to settle and reform the lawless tribes had failed due largely to the absence of religion in their programs, and crucially because they lacked the "reformatory influence" of the officer's wife on the women and children of the tribe. "This is really the key."[54] "The European manager and his wife are the key to the situation and are usually regarded by the entire tribe as the father and mother and chieftans of the clan."[55]

The existing tribal family was to be vigorously crushed, and in its place erected a new familial structure. Criminal parents were seen as "employers" of their child-workers who practiced crime as a profession or occupation. If the parents were absent, the workers become the property of a surrogate parent, "annexed and utilized by some wily and often decrepit old criminal, who poses as a grandfather, or grandmother, and who completes the education in crime."[56] In a wholesale substitution, the Army became the home and the manager the parent.

Having dispensed with the criminal family relationship, the very source of heredity, the individual became available for the cure: labor. The Salvation Army's management of its labor force was innovative, and in some places worked exceedingly well. Free Labor, according to Booth-Tucker, was "extremely volatile and unreliable." "The severe physical strain of these long hours, frequently without any Sunday, or any other interval for rest, was more than the strongest constitutions could endure." Therefore workers in India commonly went on holiday after receiving their wages. But criminal tribes compelled to rehabilitation were Forced Labor, and their fleeing was a "punishable offence" since they were required to remain in the settlement. They could be worked to exhaustion, but if they failed to attend the next day, punishment was severe. Settlement workers in return were granted a Sunday each week, and their hours never exceeded "from eight to eleven per day."[57] "It was the fact that they could not get away like the Free Labor that made this class of workman appear so desirable to the Mill Manager."

In agricultural settlements such as Kot Mokal, where, as we have seen, there was insufficient land and poor prospects for industry, the main activity was to be reclamation of wasteland to be brought under cultivation. This included cutting forests, draining swamps, and digging irrigation canals on arid land. Settlers were given a wage, although typically less than what they could earn as "free" agricultural laborers. This activity furthered the twin goals of increasing government revenue by making the land productive and thus taxable, as well as providing the criminal a rehabilitative profession however menial, making an honest living for an honest day's work. Once the land was reclaimed, settlers could be made tax-paying owners or sharecroppers, and it was hoped the investment of their labor would induce them to stay settled and pursue a productive agricultural lifestyle.

Satadru Sen has noted the conundrum presented by prison labor: "[W]ork was simultaneously denigrated (as punishment) and exalted (as reform) by the penal regime. Work was to be both the instrument and the symptom of reform, the idea being that the prisoner must be forced to work until he worked willingly, and then be excused from having to work anymore."[58] In theory the prisoner could work punitively until a degree of rehabilitation had been achieved, and he eventually become a landowner with a stake in social stability. In actual practice, however, there were many variables affecting this outcome. As we have seen at the settlement at Bidauli, the unscrupulous manager could expropriate the land; the reclamation process itself could price the land out of reach of the peasant cultivator; local landlords frequently objected to having low-caste "vagrants" newly settled with the status of deed-holders; and the managing agency itself, like

the Salvation Army, could reject the agriculturalist's demands to become landowners for a variety of reasons stemming from their special status as notified criminals.

On cultivable land a rent would be charged for the expenses of running the settlement. Farmers were paid a wage and in turn were charged rent. Learning domestic economy was considered productive in itself. Settlers who failed to till their plots could be set to harsh labor and their allotment given away. Others who actually owned land in the vicinity and applied for leave to cultivate it could be refused a transit pass and have their holding sold off in order to force them to work on settlement land. Freitag notes the irony of a farmer in the North-Western Provinces, Kumbha Sansiah, who although he neither possessed criminal genes nor had committed a crime, was nonetheless " 'reclaimed' to 2 *bighas* inside a criminal settlement, after being removed from 7 *bighas* in his own village."[59]

With the passage of the fresh CTA in 1911, with its reiteration of the validity of settlements and its requirement that settlers be able to make their living under its restrictions, police developed a strong interest in cooperating with private enterprise to help supply them with captive labor. In Punjab the number of industrial settlements declined after 1919 and the number of agricultural settlements expanded. In other regions the trend was opposite as both employers and police learned how to collaborate using the punitive measures of the law to best effect. The Salvation Army predicted and perfected this development.

Since 1909 in Bijapur district of Bombay Presidency, the police administration had been settling down groups of Chhapparbands, Harranshikaris, and Ghantichors in the vicinity of various industrial factories. Having failed in agricultural settlements due to poor land and supervision, this method was so successful that "over half the labor required for the mills in Bijapur itself was drawn from the criminal tribes, and in all the larger mills members of criminal tribes held the majority of the petty contracts … ." This was accomplished through the "cordial co-operation of the millowners" who are "willing to accept more of the same class of labor … ."[60] Soon after, the practice of forcing criminal tribes into industrial labor was extended to Sholapur, Gadag, and Gokak Falls, and by 1912 some 2,000 settlers were employed in the spinning mills. Thus even before extension of the Criminal Tribes Act to that Presidency, the police administration had understood the logic. By 1936 the population of criminal tribes in sixteen settlements in Bombay was 8,000, with an additional 7,000 living in "free colonies" adjacent to the settlements. Settlers worked in a variety of factories producing matches, sugar, railways parts and textiles. As at Bijapur, police became labor procurers for private industries requiring compliant workers.

At the time of a proposal for notifying a group as criminal, employers would be suggested who could help the group "earn its living." Radhakrishna notes that in the Madras Presidency in 1916 alone, over a dozen proposals for new settlements were entertained on the basis of employers' need for labor. Thus Dasari tribals were considered for settlement near the mica mines in Nellore; Kilagudi Kallas were recommended for Harvey's cotton mills in Madura; the Kondadoras were proposed for the manganese mines, and so on. In the same year the United Planters' Association of South India requested over 2,000 workers for eighteen different estates from the Inspector-General of Police. "In contravention of the rules or logic of the CTA, an enterprise's need for workers was identified first, and notifications done accordingly of the communities who were to work in it."[61] If the proposed workers refused to go voluntarily, they could be declared a criminal community and forcibly removed and settled.

Employers did not necessarily have to propose any additional schemes for reformation other than labor. An ordinary factory could be declared a settlement, and the factory manager appointed the manager of the settlement. Workers were kept in check and threatened with punishment under provisions of the Act. Leave was granted sparingly, attendance was taken, movements curtailed, and workers could be transferred to other settlements as required by their "rehabilitation." "The settlers who worked in these enterprises were entirely in the hands of their employers, whose potential position was admitted to be 'even more despotic than that of a slave owner'."[62]

In Punjab, Major reports that the twelve industrial settlements operating in 1919 supplied unskilled and semi-skilled labor to manufacture locomotives, spin and weave cotton, and produce woolen army clothing and blankets in sweatshop conditions. Wages were so low that women and children were forced to work at least part of the day to enable a family to survive. The high death rates at the Bhiwani and Dhariwal settlements (12–22% and 7–12%, respectively, from 1917 to 1920) eventually caused government to order them closed.[63]

Kheri

Sandria Freitag recounts the history of the criminal tribes settlement at Kheri in the North-Western Provinces, opened in 1897 in a fit of reforming zeal and then turned over to the Salvation Army around 1913 when government deemed it entirely untenable.[64] The Kheri example is interesting as an illustration of the tension between the desire for social engineering and the

dictates of outright control, the dialectic between reform and repression. This example illustrates how the attempt at reform actually created the problem it had set out to combat.

We saw earlier how colonial categories of taxonomy and classification had often conflated such markers of identity as "caste," "tribe," and "class." As an analytical or administrative exercise this posed certain difficulties. As a matter of practical implementation it was a nightmare. As noted in the previous chapter, when pressed to survey the population of Sansiahs in the province for their possible notification as a CT, the Census Commissioner found about 4,000 wandering criminals of this "class," and another 4,000 of Sansiah "caste" who were peacefully settled. The Commissioner was troubled that this "caste" was called by different names in different regions, and was supplemented by "aliases" of people supposedly not wishing their true identity known. The Commissioner recommended notifying all "Sansiahs" and all "Kanjars, Gidhias, Beriahs and Bhatus" who intermarried with or otherwise associated with the Sansiahs. As this would have placed many thousands of people on the criminal register, and so responsible to the understaffed police, the Lieutenant-Governor decreed in 1887 to notify only those Sansiahs residing in the four worst districts of Muzaffarnagar, Meerut, Muthra, and Aligarh, along with a few allied groups (249).

Having been convicted or not of a crime, the groups were arrested and parceled into three classes – those "planted out" with local zamindars, children under 18 to the Fategarh reformatory, and hardened criminals to the Sultanpur penal colony. A full ten years later the rule of law asserted itself in the proclamation by a new Lieutenant-Governor that inmates could not be incarcerated indefinitely on the presumption of bad character. The reformatory was closed and its "children," now ten years older and many well over 18, were transferred to the new agricultural settlement at Kheri.

Planners intended to make Kheri a place of residence as opposed to a prison, a practical experiment in cooperative living modeled on the idealized Indian village as an idyllic space of sedentary agriculture. As in some of the settlement schemes devised by Kaul fifteen years later for Punjab, Kheri residents were to be provided with sufficient land, cattle, seed, and implements to work the land and live off the harvest. Police records indicate a desire to have the Sansiahs settle comfortably in huts of their own making, provided with basic services and schools to live free from compulsion.

But traditionally wandering communities did not necessarily take well to settled life. Whether insufficiently schooled in agricultural methods at the reformatory, provided with insufficient resources, or simply indisposed to domestic stability, 75% of the Sansiah population had fled Kheri in the

first year of its existence. Contradictions in government policy were manifested in the desire to replace the prison with the reformed residence, on the one hand, and the need to control recalcitrant criminals, on the other; the urge to integrate them into rural society was countered by the necessity to enforce discipline through roll call, punctual labor, and personal hygiene, and to punish transgression. Sansiahs still required permission to leave the settlement, and were subject to roll calls and to punishment by whipping (253). Local society, too, rejected the experiment, as it did in many places. In one spectacular incident, when local police, deeply suspicious of 500 stigmatized, hereditary criminals newly settled in their vicinity, burst into the settlement in search of a suspect, 234 inmates fled into the jungle. Even those Sansiahs "planted out" in the countryside, and so not subject to the restrictions of the settlement, had absconded within six years (256).

The conundrum of presumed heredity met the pragmatics of social engineering in strange ways. Having confined the youth to the reformatory, but making no provision for their release, government found itself in charge of, and financially responsible for, a population it had done much to create. In an attempt to control criminal reproduction, women of the penal colony had their genes "decriminalized" by mating them with the less troublesome, "planted out" Sansiah men, who were now drawn into the settlement in a "revolving door" policy that had been expressly the opposite of their initial attempted integration into society. Government was required to provide economic incentives as dowries for these "damaged goods," further taxing the state that sought to minimize the expenditures on policing. Sansiah men from the prison were simply refused similar petitions for brides from outside, seemingly on the presumption that crime ran more strongly through male descent. After the Salvation Army took over, a similar incentive was provided by waiving the bride-price for men who had converted to Christianity, and even for those who did not, trying to make tribal marriages seem as Christian as possible.

Freitag notes that some vocational "reclamation schemes" for adults had been attempted. One experiment converted formerly wandering free spirits into excrement carriers for municipal jails and lunatic asylums. A local official records them as "anxious to get back to [the prison at] Sultanpur" (quoted, 252) One such family of converted sweepers petitioned to be released from their sentence in the town and sent to the settlement at Kheri. But the newly "reformed" applicants were denied any further reclamation by government, their rehabilitation now complete, and they absconded after being refused entry to the Sansiah settlement.

In re-evaluating the success of the ten-year effort to rehabilitate the Sansiahs in 1897, officers noticed a fundamental misunderstanding that

"lampooned both the colonial categorization of their subjects and its methods of dealing with them" (255) over the prior decade. In the initial report on criminal elements in the region, the Census officer had called for notification of associated class, caste, tribal, and alias affiliations that implicated thousands. These had been denied. Yet in the initial sweep that netted the Sansiahs identified for reclamation in 1887, it was discovered that a host of "Berias, Nats, and Bhatus" had been scooped up and landed in the settlement beside them. These were obviously falsely implicated, but now it was too late to do anything about them.

The more "devastating discovery," however, was that the original order had called for the arrest of Sansiahs *residing* in the four districts at the time. Yet what was really implied was the arrest of those who *wandered*; the itinerant section of the community was seen as the true criminal element. So ironically, the settled, more-or-less law-abiding section of the Sansiah population was selected for criminal rehabilitation, while the more wild, vagrant, and potentially criminal element was left safely free to wander. In the enthusiasm of the moment, several ancillary tribes and castes were included for good measure and interned in prisons and reformatories. "Such a practice, far removed from the theoretical musings of Social Darwinism or Utilitarianism, laid bare the actual dynamics of the colonial system at work" (255).

For some Sansiahs, the settlement proved appealing for a variety of reasons. There does not seem to have been great success at farming, although there was surely some. For the great majority, the primary occupation was "no occupation," or "living by begging" (258). When the settlement was made over to the Salvation Army in 1912, and renamed Sahibganj or "Whiteytown," some seventy-four petitioners were admitted on the basis of kinship ties to extant settlers. This may have indicated a preference to support the extended family structure, contrary to Booth-Tucker's writings or the practice in other settlements, as we will see below in the example of Stuartpuram. Alternately, this may have been a strategy of convenience to help repopulate the settlement after so many "Sansiahs" had fled.

The petitions also seemed to indicate a continuing interaction between Sansiahs who had been settled for at least fifteen years if not longer, and those still outside, disproving the notion that reclamation would decisively sever the links between reformed Sansiahs and their criminal past. After such a long period of reform, Sansiahs still viewed family relations in a continuum between past and present rather than having been ruptured by new Christian notions of nuclear domesticity. In an ironic twist on this preference, however, several large gangs of wandering "outside Sansiahs" used the settlement as a base for negotiations during the annual marriage

season. These wandering bands were seen as "badmashes living by theft, dacoity, or hiring themselves out as lathiyals to any zamindar who needs their services" (quoted, 259). The "tame" Sansiahs of Kheri had "functioned as a magnet" for the vagrant Sansiahs over the issue of reproduction, thus continuing the relationship between nomadic and settled groups of the three decades prior. What had changed was the expenditure of government and the mediation of the Salvation Army, as well as the new dynamic of ossifying traditional relationships in the attempt at modernization.

The settled Sansiahs attracted criminal activity by their previously dispersed, wandering kinfolk. Freitag comments, "[T]he settlement became a new focus for sustaining the old way of life for many unproclaimed but wandering Sansiahs outside the settlement" (257). By the peculiar logic of colonial modernity, "the invention of tradition" was in full swing; modernization selected and solidified certain elements of the past which it isolated and identified as embodying the essential attributes of that identity, then promoted those selected elements as the most important.[65] In a dynamic well-understood in studies of colonialism in India and elsewhere, Freitag summarizes how this process influenced the development of criminal tribes legislation: "The Raj simultaneously effected the 'discovery' of existing customary and religious norms (thus freezing in statute what had previously been an evolving social structure) and shaped these statutory expectations by the information received from elite members of indigenous society – particularly Hindu pandits and Muslim muftis" (231). The information was Indian, the administrative "freezing" of it uniquely colonial.

Bhatpurwa

Gauri Shankar has compared the Sansiahs with another itinerant criminal group settled in the western United Provinces, the Karwals. Since at least 1889, police reports and anthropological accounts had considered the two groups related based on similar customs and physical appearance.[66] Writing in 1979, after thirty years of decriminalization, Shankar finds "the pleasure of being 'self-made' men which we find in the Sansiah youth has been conspicuously absent in the Karwal youth."[67] He attributes this to several factors, among them the different patterns of crime they pursued prior to settlement, but most importantly to the different administrations under which they were reclaimed. The Sansiahs "are finally tied to their land and seem to have developed a real attachment to it," but the Karwal remain averse to agriculture and "the psychology of a free citizen has not developed as yet among them" (202). They "have not been able to develop personal

initiative for agriculture and there is more and more dependence on the government machinery" (213). They are not accustomed to hard labor and instead rely on a monthly allowance to make ends meet.

The Salvation Army had actually allowed ownership of land in the Sahibganj settlement, and settlers were encouraged to clear as much forest as they could for cultivation, sell the timber, keep the profit, and build their own houses. The result of this initiative had been a real integration into village society; the Sansiahs are now "not very different from their neighbors," and "the crime culture has disappeared as a result of the peoples' settlement on land" (226).

The Army's cultural re-education program also seems to have made a decisive difference. In addition to creating private property and fomenting a spirit of capitalist enterprise, the Army undertook a persuasive campaign of cultural realignment. Under Army guidance, Sansiahs were encouraged to intermarry with Muslims and Christians. Male Christian converts were absolved from paying bride-price even if they married a Sansiah woman. Children were separated from parents and sent to Missionary schools. All settlers attended obligatory mass on Sundays. The tribal *panchayat* (village government) became answerable to the Settlement Officer and its meetings were presided over by the church priest. Violations of tribal law were punished not by ritual expiation within the tribe as formerly but as disturbances of the peace under settlement rules. "All such rituals were virtually banned and only a vague idea of the past culture persisted." This led to a "general disorganization of the traditional gang *panchayat*" (181). "The Salvation Army perhaps realized that they had launched attacks on fronts other than economic" (227).

In this way, the Sansiahs "had to abandon their old practices … and start life afresh, suited best to agriculture." Shankar claims that ties with "kinsmen leading a nomadic life" had now been broken off to the extent that "Sansiahs living elsewhere were reluctant to marry their daughters at Sahibganj" (227). This did not mean that criminal activities ceased entirely, but that they had moderated and adapted to changed circumstances. "Incoming guests," who are mostly "absconding members of other settlements," "freely go out for thefts and pilferings," using the local settlers as receivers of stolen goods (218–19). But for the most part the Sansiahs had become model citizens.

The Karwals, too, were settled, but under less favorable circumstances in the government-run Aryanagar ("Hindu City") and Kalyanpur ("Progress Town") settlements in Bhatpurwa, near Lucknow. There they were rounded up much as the Sansiahs had been, without adequate provision of land. In the settlements they were granted equal-sized plots, subsidies, and allow-

ance, and ready-made houses. This did not encourage individual initiative. Instead, they were "inclined to learn newer ways of crime to earn their livelihood" (226).

Shankar avers that, like the Sansiahs, when the Karwals were first rounded up in 1907 their number included a majority of "Haburahs, Kanjars, Nats and Sansiahs." Thus their "real identity was confused many times" (203). The government prohibition against organized crime diminished the importance of the gang hierarchy, and deprived its leaders of status as well as their ability to provide protection. Divested of profession, livelihood, and reputation, the leaders also failed to learn new skills in the changed situation, sticking firmly instead to the old traditions, which now became sacrosanct. As new criminal opportunities presented themselves under modernization, such as stealing from trains or lifting bicycles from fairs, the traditional leaders became increasingly irrelevant. Their children, however, raised in the criminal culture, embraced the newer opportunities with avidity.

The Karwals adapted other illegal practices to their changed condition, such as illicit distilling of liquor and selling their girls into prostitution. It was "only after the people were brought into the various settlements that prostitution became indirectly institutionalized" (29). Karwals did not suffer unduly from a continued life of crime. "It is … a mistake … to suppose that extreme poverty and starvation have forced them to crime. I found the average Karwal better clothed and better fed than most of the poor Indian people" (227). "Settlement on land has not been able to distract the young men from criminal pursuits. … The only way open to him is crime which promises quicker and richer dividends" (226).

An interview with a Karwal man who had been settled at Bhatpurwa revealed a fairly representative pattern. By the age of 40 he had been jailed four times under section 109 of the CTA, plus one stint of seven years in the Andaman Islands with his wife and children. He had served a fifteen-year imprisonment on the false charges of dacoity and murder fabricated by the Police Inspector. In an interview with Shankar he described the synergy with authority generated through the criminal system.

> During service with the prostitutes he had a very good relationship with the Police, who knew his tribal affiliations. The Police officers visiting the prostitutes never harassed him for his being a registered member of a criminal tribe. … Bribe at the rate of Rs. 1/8 a day was paid to the constable or the village Chaukidar who used to visit them daily for attendance. … The constable or Chaukidar thus marked them present even by a proxy. The Police also encouraged them to commit dacoities. … Sometime a local well-to-do

> individual would wage enmity with the Police with the result that his house would be burgled by members of the criminal tribes. Such Police-inspired burglaries, however, did not result in convictions. (157–8)

Stuartpuram

Booth-Tucker wrote in 1928, "[I]n the thirty-fifth chapter of Isaiah, it is said that 'The desert shall rejoice and blossom as the rose. It shall blossom abundantly, and rejoice even with joy and singing.' Both literally and figuratively this has been fulfilled in regard to Stuartpuram settlement."[68] It is instructive to compare his enthusiasm to a more measured historical narrative.

In her fascinating study *Dishonoured by History: "Criminal Tribes" and British Colonial Policy*, Meena Radhakrishna recounts the history of the Army's involvement at Stuartpuram, named for Sir Harold Stuart, Government Secretary of Ootacamund, who invited the Army in 1912 to oversee the Yerukulas, a reformed, formerly nomadic tribe with no history of committing crime that had previously been settled at Sitanagaram in Guntur, Madras Presidency. Local landlords protested at the grant of land, however, and claimed that the reformed members were dangerous criminals. Thus the idea for the new agricultural settlement of non-criminal, already settled people had to be changed, and the project was transformed into a criminal reformatory with heavy police presence, in which the Army and police jointly pursued an intensive "experiment in criminocurology." As in Booth-Tucker's prescription, Stuartpuram directed a punitive rather than reformative focus on a very large population of some 6,000 inmates, calling the roll up to five times each day, enforcing strict punctuality backed by fines and corporal punishment.[69]

Over the course of a quarter-century, Stuartpuram became an exemplary site for the disciplining of labor, a phenomenon that arose by force of circumstance and had radically unintended consequences. Opened in 1913 as an agricultural settlement, it did not get off to a good start. The land was poor, implements were primitive, and opposition by the landlords persuaded the administration not to pursue plans for irrigation, which would have raised the value of the land significantly. Additionally, the Army settled on an unusual scheme of cultivation. Land was divided into small family plots, and individual families were paid a wage for working it. Radhakrishna surmises this was an attempt to initiate a social process whereby the collective inclinations of the community were systematically undermined in favor of "appropriate ethical norms and gender roles" of Christian nuclear

domesticity (129). While this artificial Salvationist family was to be more highly valued than the community, the basic nuclear family structure, too, was a site of tension. Children were removed from parents and were reared in a separate area of the settlement, visiting with their parents only on Sundays during church activities. Gender roles were reassigned on the basis of European, Christian patriarchy, eventually resulting in a strict division of labor that would further undermine the Yerukula's traditional tribal structure.

Christian discipline extended to marital affairs, reproduction, and domestic labor. After women began working in a nearby factory, the Army began taking an "urgent" interest in overseeing marriages. Bride-price rose steeply as women became wage earners, and the Army strove to suppress it. Tribal tradition had formerly afforded women a great degree of autonomy, particularly in choice of a spouse, but the Army began to require permissions for marrying, going so far as to providing dowry in place of bride-price. Since many men were unable to earn a living on the infertile soil, dowry was subsidized in order to promote Christian marriages, and desertion by women of their husbands was forbidden completely (133). As the women moved increasingly out of the domestic space of the home, the settlement began to provide day care for infants of young working mothers. Although the women had been inculcated in the virtues of domestic life, and those who did work outside the home previously were usually restricted to serving as domestic servants of the wealthy, the women's main source of employment was now in a harsh factory environment. This disruption of their proper gender roles was compensated by the Army's increasing intervention in their gender identity (132). Radhakrishna notes the irony of women losing autonomy over marital affairs just when they were becoming the principal contributors to the settlement's income.

According to Rachel Tolen, "[C]riminal caste reformatories were a model for the institutional world that the colonized were to inhabit," because within the "highly controlled circle of barbed wire it was possible to establish the relation between the colonizer and colonized in concentrated form to maximum extent."[70] While Booth-Tucker and Army founder William Booth before him would have doubtlessly agreed, at least for the purpose of propaganda, that the Salvation Army was "of measureless importance to England as an Empire builder,"[71] hardly any observer could concur that the experience at Stuartpuram would have embodied the process or result of the colonizing ideal.

Tolen references the transformation in appearance undergone by Yerukula tribespersons featured in Booth-Tucker's *Mukti Fauj,* where he displays "before" and "after" photos of some inmates of Stuartpuram. The

comparison asserts how, through "transformation in character," certain properly reformed subjects could be "released from Government surveillance."[72] The "before" photo shows four tribal women wearing dirty native dress, headscarves, and gaudy ornaments. The "after" photo depicts a Hinduized propriety, the women now in pure white saris, with neatly oiled hair and only modest jewelry, interspersed with turbaned, *kurta* and *dhoti*-clad, mustachioed gentlemen. For Tolen this transformation indicates the success of the "imperial project." For Booth-Tucker it indicates the attainment of "character" that releases the subject from "surveillance," implying the end of compulsion in attaining the settlement's ideal of discipline. If the goal of settling criminals is to transform their character, outward appearance seems to indicate success.

Christian women, asserted Booth-Tucker, were fashioned out of "thievish raw material."[73] Used to a life spent mainly outdoors, the itinerant women when settled were encouraged to pursue indoor tasks, such as cooking, sewing, and mat-making, the latter traditionally engaged by both men and women. "What a change has taken place in the appearance of the settlers since their first arrival!" wrote Booth-Tucker with enthusiasm.

> The women's hair was dishevelled, their clothing ragged, and their general appearance untidy and dirty, until the manager announced one day that no woman would be granted a pass to go to the bazaar to do her marketing unless she presented a neat appearance. … The effect was magic. Each woman vied with the others in presenting a respectable appearance.[74]

Competition among women was encouraged through beauty contests and deportment exercises. Parades were held of the most neatly dressed, and effort was made to instruct women in the virtues of Christian domesticity, stressing appearance and punctuality. To this extent, the desired transformation of character occurred. By other measures, however, success seemed more ambivalent. "Events never unfolded in the way desired by the authorities. Ironic, unpredicted and unplanned processes were a natural corollary, by the sheer logic of accretion, to the manipulation by those in charge of the Yerukula's collective destiny."[75] As we will see, Radhakrishna here describes the "colonial relation" as deeply ambivalent. As in other locations of criminal tribes rehabilitation, the outcome was nowhere guaranteed.

Women entered the factory of the Indian Leaf Tobacco Development Company (ILTD) in large numbers when the agriculture had almost completely failed. Interestingly they entered through their newly gender-exclusive chore of mat-making, which was crucial to the tobacco process. Since the settlement was designed to be economically self-supporting, but its

ostensible purpose in agriculture had become untenable, it found itself slowly transformed into an industrial settlement. Factory and reformatory work interacted in complex and unexpected ways.

By 1925 the factory employed almost the entire adult female population of the settlement, who accounted for 80% of the settlement income. The ILTD supported the Army's discipline and intervention in personal affairs. It had every interest in bolstering family identity over either community or individual. For one thing, the factory paid a much lower "family wage" than it did to individuals, so when the married men eventually came to work, the factory management benefited by paying them the lower family wage. The factory compensated this social wage by intervening domestically to assist men in reclaiming wives who attempted to separate, threatening the women with retrenchment if they did not return to their husbands.

By the late 1920s more men became available for factory work as agriculture failed to improve. The power of the Army and the factory over them increased. In 1928 fresh water was discovered close to the surface, suddenly raising the agricultural value of the land enormously. The farmers had been petitioning for five years to gain title to the land, as they had been promised fifteen years previously. Now that the arid sand was worth something, the Army rejected their plea on the basis that Stuartpuram was a reformatory settlement from which settlers were to depart after their "cure." When the farmers organized a cooperative society and collected money to dig their own irrigation ditches, they were discharged by the Army, saying their cure was now complete. They were resettled to a New Colony near the factory in Chirala, where they were forced to become wage workers for the ILTD with no outlet in even subsistence agriculture. For its part, the factory had been seeking a more pliable workforce to replace seasonal labor that had gone on strike in 1932. The Yerukula men, under disciplinary threat of the CTA, were perfect strikebreakers.

As Yerukula men entered the industrial workforce in numbers for the first time, various strategies were deployed to render them passive and obedient and to drive down wages. Provisions of the CTA were relaxed to allow men to stay away longer from the settlement, and provisions of the Factory Act were exempted to allow workers to stay in the factory longer, typically logging twelve-hour days and sixty-six-hour weeks. As Radhakrishna notes, this modification was subsequently used as a lever to relax restrictions on machine room workers in all tobacco factories in Madras Presidency (136). By 1935 the entire population of the settlement, male and female, was employed at ILTD. The intercession of the Salvation Army was crucial: it both provided pliant workers and prevented "blatant exploitation" by the factory managers no longer under restraint of labor law. Similarly, the

Army saw to it the workers did not rebel or abscond. The factory fractured worker solidarity by pitting generations against one another, women against men, skilled against unskilled workers, Congress Party against Communist Party members, and perhaps most of all, non-criminal against criminally notified workers.

Unexpected contradictions came into play. Factory workers were drawn originally from younger women who had been raised apart from their families. They were accustomed to strict discipline, regimentation, and deference to punitive authority. This made them ideal factory workers, but the Army had not had time to make them into ideal mothers or housewives. They were soon supporting the entire economy of the settlement. This gave them a radical understanding of their importance to the settlement and eventually of their rights. Factory space and the long travel back and forth to the settlement, over an hour each way, gave them opportunities to meet and talk not afforded by the settlement itself, where gatherings were strictly limited and surveilled. A workers' union was started. The reputation of the settlement itself as an open prison camp attracted nationalist attention and became an election issue in 1938. Firing on striking workers in the same year attracted national attention and became a propaganda victory for the nationalists, as well as a lever for greater worker demands, especially for women. Children separated from their parents and raised in settlement discipline became radicalized in defending their interests and rights in the workplace.

Perhaps most ironically, those Yerukula men who had been forcibly consigned to the machine room of the factory, where the most dangerous, uncomfortable, but also most important operation was conducted – drying the tobacco leaf – became indispensable to the factory and could paralyze it during strikes. Compelled by the CTA to toil through inhuman conditions, Yerukula workers became as central to the factory as the machines. Radhakrishna notes that the ideology of crime and collectivity were turned to assets in nurturing union solidarity: with their former community identity seeming to count more significantly than that of the individual, despite their education in the settlement, Yerukulas understood their role as the collective entity that allowed the factory to function. Other criminal tribes in the area recognized their plight in the historic resistance of the Yerukulas and supported them against the police during the 1938 strike. Radhakrishna comments: "Thus an artificially created category of CTs attracted real unity among similarly persecuted communities" (143). The "emptiness" of individual criminal identity could become the crucible in which to forge community solidarity.

Radhakrishna records a remarkable transformation of consciousness induced by criminocurology and the experience of settlement life. She spent

some time among the former settlers while researching her study, and noticed their penchant for song. The Yerukulas still lived in the Stuartpuram settlement from which they had been released after independence, and forty years later they still worked for the tobacco factory. The Salvation Army still maintained a presence there with a school and a hospital, and continued to play a negative role in their dealings with the factory. Although they recognized the Army as hostile to their present dealings, their songs and stories recounted the entirely positive role the Army had played in rehabilitating them from a desperate life of crime, and how they had found redemption in Christ. Radhakrishna was surprised to find no trace of the resistances she had encountered in the archives.

> The frequent, coerced interventions into their lived community life seems to have led to irreparable breaches again and again, resulting in blanking out of the collective memory of the community's past. The memory of the past in the current generation's mind is a version that was introduced by the SA [Salvation Amry], and blots out the resistance that the community actually offered to each of the phases of sedentarization, break up of the community, work on land, and finally wage work. Interestingly and ironically, it is from the records of the factories, the SA and the British administration that a more unmediated version has had to be retrieved; the oral culture of the community as of today represents the "official" version and is devoid of the nuances, complexity and richness of the lived past. (21–2)

In fact the Yerukulas interviewed by her in the 1980s disavowed any memory of an itinerant past, possessed no folklore, songs, or written record of their pre-settlement days, and strongly asserted a tradition of chronic thieving from which they had been rehabilitated by the Salvation Army.

They had taken from the Army an artificial myth about their dangerous past, a myth which, moreover, erased their historic resistances to both factory and settlement discipline, reinscribing that resistance into the criminal's resistance to rehabilitation. No sources attribute any real criminal activity to the itinerant Yerukula, the way that other groups such as Sansis and Pakhiwaras had acquired criminal monikers for their subsistence activities; the Yerukulas had been migratory traders of salt and grain to the hinterlands of Madras Presidency, activities which, in the absence of roads and given the importance of the salt tax to the colonial revenue, had led the British to label them as honest and honorable, at least until the early twentieth century.

The myth is represented in a poem called "The Crim," written by Major Anandham, which appeared in the Salvation Army's journal *The War Cry* in 1916, and in an edited and expanded form in *Mukti Fauj* over ten years

later. Like so much Army propaganda, it can be considered the "official" story told by the Salvation Army. This narrative functions to "reconstruct over and over again the criminal that the larger society had once invented, by passing on a constructed version of their history to their children and grandchildren. This version … was purposefully introduced into the oral culture of the community about seven decades ago" (155–6). In fact the myth elaborates the process of rehabilitation and the seminal role of the Army in converting the criminal tribes to disciplined wage workers, and the recalcitrance of the criminal propensity itself to that rehabilitation. The poem narrates how the habitual thief had perfected his trade while incarcerated, and how he longs to practice it again after rehabilitation. After ten years in the settlement, the criminal is even more dangerous than when he entered.

What is remarkable in the 1980s is the repetition and presumed internalization of this story almost a half-century after release from the settlement. The criminal identity and its social stigma have become real, whatever their basis in historical fact, through social and ideological engineering. "The content of the [poem] is exactly what they also believed …" (151). Radhakrishna finds the proximate cause in the repeated, systematic, and total disruption of their community. Whatever the "success" of the experiment in factory labor that attended the failure of the agricultural settlement, the ideological dimension of criminocurology proved remarkably effective. "The Crim" entirely elides the Yerukula's history of resistance to settlement, conversion, factory work, dispossession, and the transformed consciousness of the reshaped crim. Yet this poem "represented the myth which the Yerukulas accepted and continue to accept; the resistance which actually took place on the ground was never a part of the myth" (149).

4

Acting Like a Thief

From Aesthetics of Survival to the Politics of Liberation

> *A Chhara is not afraid of police. He considers the police his friend. They've done business together for more than a hundred years. (Dakxin Bajrange)*

> *Q: Did people think of us as thieves or as artists?*
> *A: Artists. Artists, and also thieves. Do you understand?*
> *(Dadi Chhara)*

The goal of this chapter is to introduce a contemporary radical cultural movement for liberating the ex-criminal tribes from the stigma of their past. Understanding the criminal label as an historical act of misrepresentation, Budhan Theatre combines documentary realism with complex techniques of artistic composition to record and demystify the criminal situation in order to change it. This is street theatre that strives to provoke popular social change.[1] A repeated tendency in Budhan Theatre's depiction of crime is to illustrate how a central failure of representation is seen to structure an unjust relationship. This failure of naming and labeling – in general, signifying – is shown to underlie a repressive social system, and in order to change the system the mechanism of signifying is targeted for correction. In their work, members of Budhan Theatre show repeatedly how the politics of their liberation as a people is dependent on discursive struggle. Their dramatic performances and documentary films explore the complexities of representation in the service of social change. Theatrical performance is both a metaphor for their situation and a practical means of resolving it.

Budhan Theatre

Against the immense weight of colonial "fact," story and law that continue to stereotype the tribal criminal and his modern incarnation, the habitual offender, contemporary activists wage a creative struggle. Positioning themselves as the immediate heirs of a tradition of supposedly hereditary criminality that dates back to the suppression of thuggee in the 1830s, members of Budhan Theatre proclaim, "Chharas are not 'born criminals,' they are humans with real emotions, capacities, and aspirations."[2] Their positioning is self-consciously fictional, although the Sansi tribe from which they allegedly descend traces at least some vestiges of dramatic performance within its traditional history. They understand their putative criminality, by which they are characterized by police and society in general, as a colonial stereotype rudely perpetuated by a system that profits from their exploitation. Acting out their imposed label, they turn the trope of legal identity into performance, staging their own victimization as the mechanism to undo it. "Acting *like* a thief,"[3] Budhan Theatre makes visible the illusory supports of an unjust social order in the process of exposing the law as fantasy and spectacle. This demonstration reveals the degree to which we rely on fantasy to structure the real power relations of society. Through theatrical productions aimed at the sources of law and order, Budhan Theatre strives to make visible the history of the imagination that produced thuggee and which led to the criminalization of such vast numbers.

Budhan Theatre is strategically interventionist. Its members perform before bulldozers threatening to evict street-dwellers who have inhabited the pavements for forty or fifty years. When necessary they launch creative protests before police stations in which habitual offenders have been detained, tortured, or killed. They cultivate relationships with police officers and stage their plays within the police training academies. In such performances obviously they do not wish to make a merely aesthetic point. It is clear they are trying to stop the machines of injustice as well as to provide alternative living spaces for the displaced. This is an activist movement that tailors its public displays in order to achieve specific, practical results. In such performances Budhan Theatre does not stage an aesthetic negotiation in some pluralist or empathetic way that relies on the spectator's good will. Instead, the plays are didactic and pedagogical; there is no arguing the point. Theatre here is a weapon with which one takes sides rather than a tug of war between competing interests or interpretations. Yet the methods through which it achieves this effect have surprising aesthetic dimensions, which will be explored below.

As a theatre of direct, non-violent opposition to real power, its aesthetic is frequently dictated by pragmatic contingency. As a "theatre of survival,"[4] its success is measured by the degree to which that power can be neutralized or at least modified. Interestingly, its object is in many cases envisioned as resisting a politics of representation, in this case the labeling and stereotyping of the habitual criminal. So what begins as a challenge to actual power becomes again a battle over language, and this cycle propels us forward to an uncertain end. The goal of course is freedom and justice, and these are always approached as beginning in a practice of naming.

Theorists typically have seen this activist agenda for literature as being ineluctably tied to the realist, documentary mode, and certainly that element is indispensable here. But strong figurative currents also interact with gritty realism to convey Budhan Theatre's distinctive signature. Since its practice is designed to achieve results, it will be of considerable interest to explore the specific details of making and showing. Indeed constructing and building, and especially social and artistic fabrication, are explicit themes of the work, leading us to view the theatre as a workshop or laboratory for the production of meaning. Since a consistent goal is to expose the socially imposed identity of the criminal, we repeatedly meet the process of making and unmaking. This emphasis does not necessarily contradict the goal of an illusionistic realism as that is artistically effective, but it does interrupt it in order to illustrate how the reality-effect is generated.

Varied theatrical traditions find their way into the mix; most evident is the Indian tradition of street theatre, but as in much Indian theatre since independence there is a strong influence of Brecht as well as other traditions.[5] We are frequently treated to the famous *Verfremdungseffekt,* especially in two aspects of didacticism that Brecht considered crucial to any theatre of instruction: one, the laying bare of theatrical production in the interest of showing how it works, the performance as created object itself; and two, the moral maxim or teaching lesson, the driving home of a pedagogical point.[6]

Before indulging more fully in theory and history, however, it should be emphasized that this is a community theatre fully driven by the practical problem- solving of its members and directed towards an audience on the street. This audience is often considerably less versed in theatre-going than the middle-class critics who have recently accorded their plays some celebrity. So in what follows we must be attentive to the disjuncture between the desire to intellectualize and the practicality of practice, especially when considering the conceptual process that made it necessary to demystify criminal identity in the first place.

Budhan

This is as much a theatre of remembering and recovery as it is of documentation and aesthetic experiment. The original trauma is the stigmatization of the Criminal Tribes Act, but just as the Act was extended and amplified in subsequent legislation, and as the experiences of notification, settlement, and denotification were highly varied, violent events periodically reanimate its violence. Despite the variation, the continued frequency of atrocities against this population illustrates their underlying structural victimization. Chief among the theatre's purposes is to remind us that the Act, though repealed, lives a ghostly afterlife. Ghosts, afterlives, and trauma figure prominently as themes.

The killing of Budhan Sabar in police custody in 1998 forms the basis of *Budhan*, a play written by Dakxin Bajrange and performed almost immediately after the event. This is the most basic of narratives, and is staged in a variation on the Third Theatre format developed by Badal Sircar.[7] Using no props, costumes, stage design, or lighting, and with only a drum announcing the opening, *Budhan* is the most portable drama imaginable. For example, stage directions indicate, "*The actors stand to take the form of a paan shop.*" "*The actors assume the form of a police station.*"[8] It can literally be performed anywhere, and has been enacted in a variety of settings, including police stations and training academies, that magnify its effect.

The primary goal of the play is to tell the story of Budhan's death, which has since been widely distributed within the oral tradition of India's tribes.[9] It has become a commonplace that tribals are often detained arbitrarily, tortured to produce confessions, and sometimes murdered when the torture is excessive. *Budhan* would seem at first to epitomize a purely narrative, documentary type of realism that confirms this common knowledge. Yet it also offers some surprising stylistic features that illustrate the historical process of criminal stigmatization and the activist future it chronicles and demands. Several techniques of unveiling are employed to illustrate the work of ideological demystification.

The *Budhan* play script illustrates the precise mechanisms by which criminalization is produced and can be contested. For example we are told that the Inspector of Police has seventeen unsolved robbery cases on his desk. He arbitrarily arrests a member of a tribe formerly notified under the CTA, now enabled by the powers of the Habitual Offenders Act. The stage direction indicates, "*He has been moving around in the market looking for*

a Sabar [tribal] whom he could hold responsible for all of his pending theft cases" (263). Budhan inquires, "But sir, what is my crime?" "Your greatest crime is that you dare to question the law." With the law at his disposal the Inspector tortures Budhan for a confession as if he were a thuggee-style approver: "Why else has the law given us this? (*Showing him the baton*). Come, plead guilty" (266). The torture goes too far. Budhan's family and other tribe members, informed of their rights and with consciousness raised by long membership in a tribal development organization, file their grievance appropriately through the courts and, remarkably, they win.

So far this is a mere real-life transcription of what actually happened. Realism approaches hyperrealism, however, in the mention of the historical figures who participated in the event in 1998, such as Police Inspector Ashok Roy and famed Bengali author Mahasweta Devi. In this movement, realism becomes journalism. But it also becomes advocacy and guidebook, a how-to manual on prosecuting a case of police brutality. Documentation merges with practical instruction: we are told in great detail how to bury the body of the dead prisoner under the bed of his grieving widow, how to cremate him in effigy, and how to conduct a second autopsy by an independent coroner that will prove his murder at the hands of police.[10] As if to emphasize the human labor involved in bringing justice in this case, the stage directions move the actors to "*assume the form of a courtroom*" (266) and to witness the judgment granting compensation to the widow. We are offered a blueprint for protest and litigation in addition to the documentary record.

Similarly the play script *Encounter* illustrates the social construction of crime, but here there is no obvious solution. The police coerce a Pardhi tribal into crime by forcing him to brew illegal liquor after harassing his wife. Deepak wishes to escape a life of begging, and feels he can go straight if he can evade the police. This indicates a relative fluidity in actual practice of lived identity and relational status; he moves to a neighborhood where he is able to identify himself as a higher caste. When the police find him there, however, they identify him as a former criminal and take advantage of his pre-decided guilt. When the neighbors discover this they complain, "If we are thieves by business, it is because of our choice. But your community members are born thieves."[11] The police need liquor; Pardhis are criminals; therefore Pardhis make illegal liquor. For allowing him to operate illegally, the police collect a bribe, thus creating the very crime they are sworn to prosecute. Police profit handsomely from the mechanism. When Deepak resists, he is murdered by the same police and his death conveniently serves other purposes.

> What? Murder case? These Pardhis are born criminals ... how can there be a murder case? Let's frame him in the arms case and also show his involvement in other pending cases. We will say that we caught him with a vehicle loaded with guns and he was killed in a police encounter. (16)

The mechanism of normal crime is unveiled as the creation of authority. The honest tribal's effort to better himself is dogged by his imposed identity, an identity affixed to him by the authority charged with his control. In Deepak's everyday life experience, caste can be changed, but authority can also use the caste label to freeze identity when convenient. These two illustrations, one comic, one tragic, document the logical possibilities for action. Even the depressing failure of *Encounter* leaves us wiser by exposing and unfreezing criminal identity as a process and a relationship.

A considerable part of the power of Budhan Theatre's artistic practice stems from its involvement in an existing mass movement. Part of the cultural work of this movement over the last ten years has been to reclaim the image of the criminal tribes through discourse. As with the fundamental ambivalence of the colonial stereotype discussed by Homi Bhabha, the inhuman-humanity of the hereditary criminal seems to possess a deep structure that resists rational amelioration. It appears as a fantasy of difference that haunts the authoritarian psyche that invents it, expressing an anxiety about identity that leads to further misrepresentation of the other.[12] One symptom of its ambivalence is the obsessive repetition of the archive, "a scholarly silsilah" of self-reference. This is an irrational common sense cemented within a century and a half of pseudo-scientific assertions.

Thus overturning the stereotype can be revolutionary. It is not merely uncomfortable for the labeling authority, a psychic deception or a moral anxiety, such as we might take from Bhabha, although these disturbances are surely noted within the literature, from Sleeman's self-promotion to Stephen's authoritarian liberalism, to the inhuman projections that fill the police manuals, the necrophilia of crainiology, the prosthetic sensuality of anthropometry. Budhan Theatre, too, records the uneasiness of authority, its sadism, incomprehension, and vicious ignorance, its connivance and collusion in the production of crime. This discomfort is not enough: however ambivalent the source of authority, its power has been successfully rechanneled throughout the colonial era into forms of control that enabled the continuation of systematic oppression. Ambivalence and anxiety may well be constitutive features of the colonizer's psyche, but they rarely make him blush for shame. Much of Budhan's appeal resides in its ability to unmask ideology (the criminal propensity) while revealing the stronger material supports of exploitation (the economic structure of normal

crime) that ground the superstructural mechanisms of law and psychic identification.

Budhan goes beyond the psychological disturbance of the colonizer to illustrate the stereotype at work by revealing its internal mechanisms, and to reverse the process of identity to reclaim an alternate identity through a self-conscious process of refashioning. This process is both ideological and aesthetic, leading inevitably to a politics. Frantz Fanon had observed a similar process taking shape in the Algerian reaction against French occupation in the late 1950s. In the Manichean world of the colonizer, where white represents everything desirable and black its absolute antithesis, the black person embraces his or her blackness in a defiant mood and hurls this artificial image back at the colonizer. Does the white person cower in fear? Only for a moment. But for the black person, this activity is agential: he or she is no longer a passive recipient of the gaze of the other but rather the active one who projects his own distorted image upon a stage which both sides now must recognize to be artificial and unnatural. The more disfigured the black person can become, the closer to caricature, the more the truth is revealed about his or her violently reconstituted essence, the misshapen projection of the colonial project. This exaggerated artificiality puts the truth on display; it reveals the imposed order of the colonial relationship and makes of it a frozen thing, a painted marionette that stands as the grotesque embodiment of all the pretty words uttered in its name: civilization, Christianity, education, progress.

In Budhan's performances the roles are reversed, with the habitual offenders assuming positions of dignity and moral fiber, while the police and other authorities are exposed as corrupt criminals in a world upside down. *Budhan* concludes with this charge sheet held up to government elites citing recent instances of monumental corruption: "No Bhansali was born among the DNTs./ No Harshad Mehta was born among the DNTs./ No DNT is involved in a fodder scam./ No DNT is involved in the Bofors scandal" (285).

"The magical, supernatural powers prove to be surprisingly ego boosting," writes Fanon; "the colonist's powers are infinitely shrunk. … The mythical structures contain far more terrifying adversaries. … Th[e] people are thrown into disarray, re-form, and amid blood and tears give birth to very real and urgent issues."[13] We know myth is not real; but in the colonial situation, in distinction to the white person's Reason, Myth has been imposed upon the black person as his history and his identity. In the world of white enlightenment, the black person is forced to represent mythicalness, timelessness, ahistoricity, rhythm, the primitive. To get along in the colonial world, the black person consciously adopts myth as his colonized identity; he regresses into the past, converses with the spirits of the

ancestors, rediscovers the dance, the dithyramb, engages in metaphorical cannibalistic rites. The black person tries to become what the white person thinks of him in order to discover the white person's truth. Fanon observes Algerians observing themselves as whites see them; this double vision inspires them to become more like the caricatured versions of themselves the whites observe. This first becomes a conscious strategy of everyday "making do"; later it becomes a strategy of resistance and revolt. The white person's mythology about blacks includes the "fact" that blacks are mythical. Acting "like" a black person becomes a way of fitting in to the imposed order of society; it makes the colonizer feel more comfortable. Acting too much like a black person reactivates white anxiety and can be used to upset the balance. Myth and the mythology about myth become intertwined and mutually revealing.

The spirits walk again in *Budhan*. As the hero stands alone, tortured, forced to drink liquor, and locked in solitary confinement, ghosts appear, their hands outstretched, and circle him chanting rhythmically, "Budhan is a thief./ Accept your crime./ Beat the scoundrel./ Give him electric shocks./ Drive him mad./ The dark cell" (278). These are not the ghosts of the ancestors that Fanon claims repossess the colonized. These are the ghosts of official history from the anti-thug campaign to the Habitual Offenders Act, imposed labels that Budhan has internalized in the form of authority's myths about crime. But now this official history is spectralized, turned ghostly and transparent; when the ghosts finish their incessant labeling, they finally come out and speak the truth: "Death ... death ... death" (279). Law and order is revealed as a death wish, the extermination of the ostensible object of reform.

In the final scene his dead spirit rises and addresses the audience: "Did my crime lie in the fact that I was a [tribal]?" (284). The ghost speaks the general truth as might a Chorus in a classical play. In this rendering, Budhan's conversation with the spirits confirms Fanon's insight into the pivotal importance of unreality, or rather of magic and spectrality, for understanding and transforming this form of stereotype. The imposed label is revealed as an insubstantial shadow, and beneath it rise intimations of an authentic past.

Other ghostly appearances confirm the pattern. In the play *Bulldozer*, on the night after the demolition of their homes, the character Ramya has a vision of the God of Death, Yamraj; only moments later the young mother Seema discovers that her infant son has died of the cold. In the 1989 documentary about the Sholapur settlement by Yolande Zauberman, *Caste Criminelle,* the main character says that he likes the cemetery and is never afraid there; he claims the ghosts are his friends and they protect him.[14]

In Fanon such visions of the collective past of the people lead to a re-engagement with the buried history that had been erased under colonialism. Although begun under duress, the process has a refreshing and reassuring effect, and reconnects the colonized to his language, his ancestors, his culture, and inevitably his people.

The future also speaks, not as specter but as spectacle. From the representation of a street protest in *Budhan* a human pyramid takes shape, at the top of which a young Chhara woman demands "respect" (285). Mythologizing, spectralizing the past in a fervid embrace of the stereotype can open unexpected vistas on the future. Staging stereotype as performance can demystify it. Yet there is also the unimaginable reality-effect of the present staged here: the astounding, true-life victory in the High Court of Calcutta, where for the first time on record a tribal custodial killing was prosecuted and the victim's family compensated. This resolution is in fact a revolution in that it marks a cataclysmic break in the cycle of violence exercised upon criminal tribes. Budhan's killing and the subsequent judgment have sparked a movement throughout the country, with several additional victories in the High Courts, a burgeoning cultural front, and recognition from the national government.[15] This is colonial violence transformed into liberating praxis, a process whose energy is unleashed to some extent from the demystification of the stereotype and appropriately transformed into a corporeal building, a re-humanized construction.

Performing the Body

In an illuminating essay on the history of Sanskrit aesthetics, their relationship to Western/Greek-derived theatrical practices, and their relevance for contemporary Indian performance, Richard Schechner details the levels of self-observation indulged by the performer of *rasa* (taste). Described in the *Natyashastra* ascribed to one Bharatamuni, dated from between the sixth century BCE and the second century CE, the theory of *rasa* describes "when various condiments and sauces and herbs and other materials are mixed, a taste is experienced, or when the mixing of materials like molasses with other materials produces six kinds of taste, so also along with the different *bhavas* (emotions) the *stayi bhava* (permanent emotions experienced 'inside') becomes a *rasa*."[16]

Bajrange's play scripts are minimalist, and are designed for maximum mobility, yet the Budhan Theatre ensemble brings to them surprising emphases that enhance their emotional impact. In several plays, especially *Budhan* and *Choli Ke Piche Kya Hai?* (*What's Beneath the Blouse?*, adapted

from the story "Breastgiver" by Mahasweta Devi), physical pain is portrayed with such exaggeration that it causes the actor actual discomfort. This is beyond realism, and the physicality is transmitted to the audience with great effectiveness. It is extremely unsettling to watch Budhan being administered electric shocks in jail. The stage direction reads: "*Budhan begins to tremble. His eyes roll. Saliva drips from his mouth*" (271–2). The actor writhes and screams, flinging spittle; his body is wracked with seemingly unbearable tremors as he rolls in the dust of the performance space. In *Choli* the actors who play Jashoda hack and cough until one imagines real blood being drawn from their lungs. They, too, drool and expel phlegm, tears in their eyes from physical exertion.

These displays of extreme physicality are isolated and set off from the dramatic action like the improvisational solos of a musician and are obviously rehearsed as virtuoso moments. They do not advance the plot or enhance character development; they are rather spectacles of suffering in the otherwise austere staging. The director agrees that the *rasa* generated is *bibhasta*, "disgust" or "repulsion," one of the eight "tastes" acknowledged by Sanskrit aesthetic theory.[17] Obviously the *rasa* of *bibhasta* could serve to underscore the intense oppression and physical pain endured by criminal tribes and the poor and marginalized in general, and certainly the intellectual point is served by the realistic representation of suffering. What is interesting, however, is the disjunction between the majority of the minimalist and stylized acting in contrast to these virtuosic solos of suffering, however painful. What is the connection between these two distinct aesthetics? One – the dominant style – works by suggestion and economy ("*the actors take the form of a police station*"), while the other, virtuosic moment represents through the grossest excess the gut-wrenching intensity of suffering. The author claims this virtuosity as realism, as the actors striving to portray accurately the experience of pain.[18] I argue, in contrast, that the jarring distinction between styles produces not realism, but the *real as contradiction*, as that which is not representable *per se*. Budhan's torture to death cannot be realistically represented on stage, however vividly imagined or skillfully presented. Instead, we are subjected to a documentary exegesis of what might have happened inserted into the fabric of the performance, a version or interpretation of what might have been. Of all the facts that can be known about the Budhan case, as revealed by the postmortem, the trial, the witnesses, etc., what cannot be known is precisely the form and intensity of the suffering endured by one human. Therefore to represent suffering as if it were realistic is the height of fiction within the realist mode. The conflict between these two modes – austere, documentary realism and artificed, excessive agony – requires the audience to question

the difference. Like the tension between realist narrative and "expressionist" montage derived from cinema that we will explore below, the two modes interrupt one another to *produce contradiction* at the level of style, becoming precisely a question of substance. The juxtaposition of the two styles asks a fundamental question about reality and the adequacy of its representation, and answers it in two opposed ways simultaneously.

Schechner, in the essay cited above, comments usefully on the manufacture of *rasa* in the Indian theatre and begins to draw the connection to social commentary that makes Budhan Theatre so effective.

> *Abhinaya* (acting) literally means to lead the performance to the spectators – and the first spectator is the performer herself. If the self-who-is-observing is moved by the self-who-is-performing the performance will be a success. This splitting is not exactly a Brechtian *verfremdungseffekt*, but neither is it altogether different. Brecht wanted to open a space between performer and performance in order to insert a social commentary. The rasic performer opens a liminal space to allow further play – improvisation, variation, and self-enjoyment. … The other partakers – the audience – are doubly affected: by the performance and by the performer's reaction to her own performance. An emphatic feedback takes place. The experience can be remarkable. (46)

And indeed it is. Utilizing both the *rasa*-effect and the Brechtian social commentary within the "space" between actor and character, Budhan channels several theatrical traditions into a powerful motor for change. Social activism combines with exemplary performance to create a platform for immediate action. I am not suggesting that Budhan Theatre is consciously reinventing *Natyashastra* in any comprehensive or systematic way, but rather that the duality inherent in the Indian dramatic tradition is recoded into a range of other dualisms that provoke criticism and reflection by the audience. This duality is present within the individual actor herself, between the actors, and between the manifest content of the work and the stylistic modes of its expression, as we will explore below. This oscillation between poles repeatedly produces a short-circuit of theatrical expectation. The resulting instability between the appearance of the object and the demonstration of its construction seems to be a clue to the conundrum of historically imposed criminal identity.

Aesthetics and Politics

Formal and stylistic discontinuity is an overt theme of a play called *Bulldozer* (2005) that was also made into a documentary film in 2006. Closer exami-

nation of the two versions reveals a pattern of aesthetic structuring strikingly similar to that of *Budhan*. Both texts argue in favor of using aesthetics as a political weapon, but not at the expense of aesthetics; similarly, art is seen as essential to a successful politics, but in no way a substitute for it. The complexities of politics are preserved and enhanced by art, and art is among the privileged cognitive modes for understanding political ends. But how does one bring about change in actual practice? A clue is provided in the formal structures of the texts, in which the dominant realist texture, as of *Budhan*, is surrounded by formal elements with very different tenors, what in an older language could have been called "expressionist" or even "modernist" structures incorporating irony, surrealism, symbolic depth, allegorical extension, and so on, in addition to and commenting on the realist verisimilitude achieved by the bulk of the text. This generic discontinuity is itself a comment on the use of art to achieve political ends.

By politics I mean productive social action, social change. This is not confined to official electoral politics, but can include it.[19] More often, however, Indian politics are viewed as a cynical manipulation of the promises of democracy, and the politicians portrayed in *Bulldozer* and *Mazhab* (*Religion*), for example, are among the lowest forms of life. Although the importance of India's existing democracy is acknowledged, as an institution it is deemed almost too sclerotic to reclaim. Instead, the politics envisioned here is one of popular action, non-violent direct intervention into situations that have become intolerable. This, to be sure, includes negotiation with authority of all levels. We find the artistic and the activist inextricably mixed, and this in turn leads to formal solutions to practical problems fascinating to note and explore in artworks providing maps of political strategy.

The play script of *Bulldozer* combines gritty realism with complex techniques of cinematic montage to present a hybrid performance template that can be adapted for different settings. The script is a fictionalized account of a slum demolition, while the film illustrates the efforts to stop the actual demolition, including performances of Budhan Theatre, and documents the testimonies of its survivors. In a sense the film approaches the "legislative theatre" of Augusto Boal, in which "spect-actors" negotiate real complications in a setting designed to achieve concrete results, as it offers a blueprint for resistance.[20] The intrinsic interest of both texts comes from their capability to achieve and promote direct action while maintaining distinctive aesthetic personalities.

As noted, the necessity of art is central to the Budhan project, for its members see their social identity as one constructed by authority, and thus their redemption as an act of unmaking, a form of practical deconstruction. The ongoing structure of corruption and crime, the usefulness of the crimi-

nal for the police, forms a cornerstone of their daily existence. The structure must be repeatedly unmasked and exposed, its building blocks scattered. This in turn requires a complex relationship to artistic form that is both deconstructive and reconstructive. This cognitive effort alone, however, will not displace the system, and beyond historical understanding and artistic construction it generates an extraordinary emotional effect as a spur to action. Formal dexterity adds to the emotional appeal through juxtaposition and repetition.

Both texts are framed by a tableau of interrelated images that define the main ideological supports of an impossible situation, the irrational stigma of the criminal reputation. The question posed by artistic practice wishing to dramatize this condition is, then, how does one realistically portray unreality? A certain degree of realism is called for, but this unreal reality is a nightmarish reality shot through with illusion and misperception. In this unreality, people are forced into a limited number of pre-scripted roles: police, magistrate, jailer, criminal, accomplice, etc. Zauberman's film captures this beautifully at the level of style in her individual shots, which are sutured with small extra bits of darkness and light to give them a flickering, spectral quality. As her main character comments on his affinity for the graveyard and his desire to speak with the ghosts, we feel we are among them stylistically. It is a realistic depiction of the otherworldly.

In Bajrange's work the unreal condition is evoked at the level of theme, in conceptual conundrums or impossibilities that express the contradictory truth of the criminal situation. Frequent images of artifice, construction, and production point to the "put-togetherness" of the criminal identity and work to dismantle that identity. The play script highlights the issue of metafiguration by calling for an obvious artistic device. The actors are disguised within the audience. A drum beats, and Character 1 speaks out, "Oh … friends … Come, begin the play … ." Character 2: "It's a play within a play, my friend/ Play within a play … ." All: "Play within a play, my friend/ Play within a play/ A play for the oppressed/ A play for survival/ A play for laborers/ A play for the hungry/ A play within a play, my friends/ A play within a play."[21] Despite this advertisement, there is no play within the play in the script of *Bulldozer*. Oddly, later in the play script a dramatic performance is mentioned as having occurred "yesterday" called *Bulldozer*, but that performance does not materialize nor is it mentioned again within the text of the script. So the "play within the play" advertised in this opening never actually appears within the play itself, although to be more accurate still it is described as having happened *prior* to the play. Is this intended as a conundrum?

The film version, however, includes two plays within the play, both performed as protests against the eviction that the *Bulldozer* play documents.[22] One is the tale of peasant resistance given in Badal Sircar's classic *Bhoma*. The other is Budhan Theatre's *Majhe Mat Maro, Saab* (*Please Don't Hit Me, Sir*), about slum demolition. By watching the film we come to understand that drama can have special force in a situation of catastrophe, and can perhaps serve the immediate function of slowing or halting the demolition, or at least providing solidarity and thus hope for the future.

I would argue, however, that the play script is even more self-conscious than that: the absence of the play within the play actually indicates the *need* for the play, instructing us on the *necessity* of aesthetics in a situation of life and death. We are told, after all, that it is "a play for survival," and surely people threatened by eviction will welcome support, as Budhan Theatre itself provides. As we proceed we come to understand that this required absence is in fact an intellectual problem being explored. The missing play, which will appear later in the play, *but as something that happened yesterday*, represents what must be called a structure of prefiguration, implying a past (something that happened yesterday) that has had a decisive effect on the present, even if that history is now rendered absent. This is of course the precise historical dilemma faced by *de*-notified tribes: people whose identity is defined by what they are not but whose actions are everywhere conditioned by the erased history.

Thus their present is defined by an act of past representation, however irrational or unlikely, even after it has been "corrected." Their contemporary representation as criminal is a product of labeling, of narration; this act of naming was a gross historical misrepresentation but it cannot be undone. The past performance structures the present.

Remarkably, however, the missing or absent performance of the play has had some kind of effect. At the close of Scene 6 a Chorus makes its first brief appearance, chanting "Bulldozer, brother, bulldozer/ Corporation bulldozer" (6). Just after, in Scene 7, Rajesh asks his young son to remind him of the song that was sung yesterday during the protest against the demolition, and the child obliges: "Bulldozla … bhai bulldozla … Colpolation bulldozla" (8). Although there are neither actual protests nor performances staged within this script, it is clear we are to presume that the play had been performed previously and that now, within the chronology of the play's unfolding, the Chorus is echoing messages that had been projected earlier. Articulated in the babble of the child it is clearly a message for the future that artistic protests have effects. The play within the play is itself absent, but it nonetheless casts a lingering shadow over the events.

The placement of the choral refrains are significant for the relationship of art and action. In each of its appearances within the script the Chorus makes a similar connection. In its first appearance in Scene 6 it concludes a scene that otherwise does nothing to advance the plot. The scene is a raucous demonstration of gambling with dice in the slum, characterized by racy language and raised emotions. It provides color, humor, and audience identification. At the end of the scene there is sudden mention of the fate about to descend, and then the Chorus:

CHHOTU: Raju, we will have to do something, or we will shudder in this cold.
RAJU: What can we do? What wrong have we done?
MAUSI: Earlier they used to send us an advance notice of ten to fifteen days. We used to get time to shift our things. Now these bastards come whenever they feel like.
CHORUS: Bulldozer, brother bulldozer. Corporation bulldozer.

(6)

The Chorus appears as the moral witness of the scene, coolly recording the grim situation in which the slum dwellers find themselves as the citizens ask the vital question about action while reaffirming their innocence and the injustice of the city authorities. The Chorus documents and judges the moral score. I would suggest that the Chorus expresses the pervasive anxiety of Denotified life more generally in that even the amusements are conducted in the context of disruption and violence, uncertainty, and imminent threat of the police. No game is free of anxiety; the threat of the next raid is ever present. This allows no opportunity to relax, resulting in the "muscular tension" Fanon described as the condition of the colonized native. A Fanonian scenario develops in the Chorus's subsequent appearances, which forms the narrative climax of the play.

In Greek tragedy, we recall that the Chorus "tends to lag behind the meaning implicit in the action," in keeping with its conservative moralizing and "commitment to proverbial social wisdom."[23] The Chorus of *Bulldozer* is more mobile however as befitting an activist "social wisdom," and it actually seems to change its function half way through the play. We have explored its role as prefiguration in its echo of the absent play; in Scene 9 it has an even more complex task: to inspire action in the present and to record it for the future. This is a difficult assignment.

In the child's mumblings in Scene 7 the Chorus had come as prefiguration, as discussed; it was the thing that happened in the past that told what to do in the future. As Rajesh's child recalls the song from the performance,

Manga in the next hut overhears and begins to shout that he will take the direct action of lying down in front of the bulldozer. A village meeting is called to discuss the options. These are very few; at the meeting itself it is discovered that the local politician will not help them as he suspects they did not vote for him in the last election. The meeting breaks up inconclusively.

In its third and fourth appearances the Chorus is much fuller, expanding from two lines to six and then adding an additional four at the end of the scene. Here in Scene 9 it frames a crucial domestic dispute between Manga and his wife Reshamiya during which he surrenders in despair to the Corporation and "*turned as if into an animal*" (13), beating her brutally. In its dual appearance at the beginning and end of the scene the Chorus serves to provoke and then record the action. In doing so it becomes instead of a spectator or conservative commentator rather an active agent in a situation that admits of no solution. Fanon claims that "muscular tension" bursts forth as spontaneous violence, "the natives beat each other up," and that this action leads to a new affirmation of self-reliance in an effort to "bypass the settler." It is a moment of horrifying intensity; the stage direction presciently notes the artificiality of the transformation that turned Manga "*as if* into an animal." The opportunity for virtuosic violence afforded the actor in the beating of his wife again provokes the internal contradiction between realism and expressionism we have noted previously.

The transformation this effects in Manga is profound. He learns while beating her that Reshamiya is pregnant, and he breaks down in desperation; at the moment of the slum's demolition Resahmiya will "fall down with pain in the womb" (18), and we are to understand that the beating may have contributed to a possible miscarriage and/or death of the mother. The theme of failed pregnancy and infant death, repeated at play's end, is arguably the central trope or metaphor of the play, with obvious significance; it certainly dramatizes the state's failure to protect the innocent and the precariousness of survival for the poor. That this logic here is self-inflicted within the community, and internalized within the nuclear family, shows the penetration of the state's violence to the most basic levels of social organization.

This cruel and unjustified action of beating his wife, however, forces a profound transformation in Manga's character. It actually rehumanizes him and strengthens his will to oppose the bulldozer the next day. He has been speaking with false bravado until now. At the moment of eviction the next morning, he finds the courage to resist the police in the name of his pregnant wife. While his resistance realistically does not stop the bulldozer, it does

propose a moment of awaking consciousness in the police, who, we are told by the stage direction, "*stand aghast*" at the spectacle of the woman, in Manga's words, "giving birth to you on the street. ... This anguished woman is your mother and you are the child she's carrying in her womb" (18). This reciprocal transformation of the moral foundation of the oppressor is straight out of Gandhi, for whom the peaceful disobedience, or *satyagraha*, was a struggle to transform the conscience of the opponent rather than a means to achieve victories for the self. Gandhi saw his opponent as "a fellow human being whose temporarily eclipsed sense of humanity it was his duty to restore."[24]

The Chorus seems to provoke the action of the beating and the understanding then gleaned from it. It speaks the truth of the bulldozer, of eviction, or the euphemism "urban renewal" in the phrase "beautify the city." It condenses the image of modernity as development into that of oppression and death, showing their dialectical relationship. It is progress and destruction together. Naming the agent of death, it reveals the missed alternatives.

> Bulldozer, on the poverty of the people
> Bulldozer, on the education of the children
> Bulldozer crushes the ovens of the women
> Bulldozer crashes down daddy's roof
> Bulldozer, brother, oh the bulldozer
> Corporation's bulldozer
>
> (12–13)

Although we are encouraged by street theatre in general, and Budhan Theatre in particular, to believe that non-violent action can contribute to a solution to the criminal problem, the play script of *Bulldozer* is unquestionably a tragedy, and its prognosis for the future generations of Denotified children, at least in the short term, is grim.

The Chorus records this truth and generalizes it, restoring human suffering to "the march of progress." At the end of the scene it chants,

> Beautifying the cities, the bulldozer
> Children shivering in the cold, the bulldozer
> Sobs over eight children dying, the bulldozer
> Crushing dreams, the bulldozer
>
> (14)

It is a statement of the truth of the present and of the immediate future. It also judges the dialectical meaning of "progress." But this cognitive meaning

is distinct from the *effect* of the Chorus. The play within the play, though absent, is present through the Chorus's song; this song both comprehends the intellectual causes of tragedy and goes a step further. The Chorus has a second "meaning" which is not really semantic but existential: the imperative to act.

In Scene 9 the tragedy of eviction is projected onto the isolated couple, Manga and Reshamiya, showing the ultimate effect on the individual and the family unit. It turns the man into an animal and the pregnant woman into a corpse. These transformations, though tragic, have profoundly humanizing effects as the audience comes to see "beautification" as the other side of genocide, from the level of the community to that of the individual and even the not yet born generation. There are many ways to act. Manga here acts like an animal; Budhan Theatre acts like actors and their song provokes transformations of consciousness among threatened groups. Either can be efficacious in furthering survival; just how either might arise at the moment of trauma is uncertain. What does seem clear is that yesterday's play has precipitated a moral crisis, an existential process, and the language to adequately describe it.

Dramatic Montage: The Crime-Concept

When the "Bulldozer" song makes its final appearance at the end of the play, it has already completed its complex and uncertain task of propagating resistance. In its last appearance at play's end it forces the audience to realize we've been "framed" – literally, by a montage sequence that occurs at the play's beginning and end in a four-image cluster passing commentary on the intervening text.

These four images comprise a framing sequence around both film and play texts. The play opens with four scenes of special significance, and closes with four extra-literary icons that in performance require breaking the realist illusion with recorded song, an artificial prop, a printed text, and a Chorus. Each of these images signifies in itself, but what is striking is the interrelationship between this almost cinematic exposition and the overwhelmingly realist mode of the rest of the play and the film. It is as if the four-scene sequence at the beginning and end are an object separate from the text itself.

There is clearly a motivation for the technique, its repetition seeming to indicate a process of experimentation hoping to duplicate its results. As we have learned from the Chorus, the dramatic technique of the play within the play is precisely what inspires the existential action generated by

Bulldozer. What is the function of the frame? By "cinematic" I essentially mean "montage," using the term to signify a strong contrary to the primarily illusionistic effect of realist drama, with its fourth wall and ideological claim to be representing "life as it is." Montage indicates instead the rapid juxtaposition of discrete images or shots to produce an effect of association or contradiction. The four images are placed together in both texts in such a way as to condense the criminal experience into a visual signature that conveys definite concepts in a form that is stylistically distinct from realism.

These four concepts can be labeled as trauma, identity, law, and police. In both the play and the film these four concepts are projected into images of remarkable clarity. Each of the images works to unfreeze an irrational historical causality that has resulted in an untenable present, imposing an artificial identity on the criminal. Cumulatively these image-concepts define the structural supports for the definition of crime, which we may term the ensemble of cognitive, historical, and administrative exigencies that has stigmatized this population.

In the first image, the trauma of capitalist modernity is shown to originate with the privatization of the commons that provoked the large-scale displacement of forest-dwelling tribes and nomads, leading to their criminalization under the successive Criminal Tribes Acts. This historical causality is recounted in a song by the Chorus as the moment when the tribes were first driven off their lands to enable primitive accumulation. The Chorus chants, "Cut the forests/ Divide the land/ Sell the rivers/ Sell, sell, sell, sell/ Sell the country as well/ Sell the country" (1). An activist affirmation quickly follows: "We will enact this play/ We will enact this play/ Raise our voice/ Expose the truth," after which the stage direction offers, "*All artists rush to join the audience*" (1–2).

The structure of irrational historical determination is repeated in images 2 through 4, becoming progressively more obvious and ironic to the point of parody. In the second image, the self-confirming nature of criminal identity is emphasized through a ritual interrogation. Police and constable surround a group of nomads whose stock answers emphasize the circular relationship and the practical difficulty of transcending it. It is a parody of playacting, with police and criminals each assuming their prescribed role. As in the stage directions for *Budhan*, where the actors are instructed to assume the role of a police station, a *paan* shop, etc., here they are instructed to "*assume the role of the police and constable*."

Who are you?
We are nomads, saab.

> Where have you come from?
> We are nomads, saab.
> Where will you go?
> We are nomads, saab.
> Since when are you staying here?
> Even before you, saab.
> Mind your tongue.
> We will watch our language, saab.
> What work do you do?
> Traditionally we have been artists … we have lost our forests and land … so now we beg for our survival.
> Hmm. We know what kind of artists you are. We have been taught that all your tribes are "Born Criminals."
>
> (2)

Despite the automated nature of the responses the encounter is still terrifying. It contains both the terror and the boredom of being guilty in advance. When the man answers truthfully that the former artists have been turned into beggars, he is ordered down to the police station, where he will once again be turned into a criminal.

This process of demonic, circular creativity is further illustrated through the crucial support of the law in Scene 3. The actor in Scene 3 is directed "*to impersonate the judge and act like an intelligently insane person*" (3). The Chorus muses on the power of the pen to control destiny and the circular nature of the definitions that distinguish crime from acceptable behavior. "This pen is a wonderful thing/ When it writes it changes fates/ Changes fortune/ It expresses the voice of some/ For others it forms a prison/ The pen is both a sword and a pistol/ Like life it has many colors/ For its ink/ There is the past, present and future" (2–3). The difference that defines whom the law will serve from whom it will condemn is defined by "high profile," even when they seem to act "intelligently insane." As the judge puts it, "[T]hose who call the mad, mad, are themselves mad." Two actors comment, "Now this mad man is talking sense." Another: "Why should he not? He is a mad man belonging to the high profile." And the Chorus: "Everything can happen/ With the pen and ink of the high profile, my brother" (3–4). We have seen historically how rule of law in India has played hide and seek with coercion and control. On this view, law is seen as exploitation by other means, a "despotism of law" imposing the rules and terms of conquest. We observed in *Budhan* how law can be transformed into an instrument of justice. Here in a tragedy we witness its other face as an instrument of oppression.

The crucial fourth image is that of the police and the celebration of their heroic crime-fighting by the mainstream media, which loves nothing so much as cops and robbers and to see a bad guy punished. Recalling the crucial boost provided to Sleeman by the fledgling Bengal press, Bajrange's plays frequently comment on the collaboration of press and police. Scene 4 of *Bulldozer* begins, "There is good news, news to rejoice/ There is good news for the city police station/ The highlights of the newspapers/ The police has caught the Chhara gang for looting/ Two criminal Dafars were killed in a police encounter/ Two Pardhis were arrested in multiple robberies and thefts" (4). A listing of the major daily papers is interspersed with this account of the "news," showing its points of production and distribution. There follows a parable about the nature and function of the law in the hands of police:

HAWALDAR: Saab, what do we do with these Sansis?
THANEDAR: Oh, you stupid! Who has made you a constable? File an F. I. R. [First Incident Report] on those criminal Sansis.
HAWALDAR: Okay, saab. But which charges will I place him under?
THANEDAR: (*angrily*) Where did you receive your training from? IPC 394 and 395 [Habitual Offenders Acts] were created for these Pardhis, Chharas, Sansis. Understand.

(4)

Four images, four crime-concepts. The images juxtapose satirical statements of absurdist symbolism with the gritty realism of the script and the raw material of the documentary film.

Montage and Diegesis

In the film version of *Bulldozer*, unlike in the play, we are treated to the promised play within the play, or more precisely two plays. As noted, the montage section just described is preserved as an organizing structure or frame in sharp distinction to the manifest content, which is again resolutely realist and straightforward. The realist diegesis of the play script is here translated into documentary interviews with the affected citizens, overwhelmingly narrative, linear, and matter-of-fact, with almost no ornamental flourishes. In contrast, the opening montage of the film is composed of four discrete shots sutured together with no connecting threads. They are meant as symbols, juxtaposed for effect. As in the play, the four-part meditation on the criminal situation encompasses trauma, imposed identity, law,

and police. Here these thematic clusters are rearranged slightly. The film opens, as does the play, with one short stroke on the drum. Then follow two architectural images, the building of the Supreme Court of India in New Delhi and the Headquarters of the Municipal Corporation of Ahmedabad, representing the Law and its local representatives (or police) as foundational edifices. Next follows trauma in the form of a close-up of an utterly mucus-congested, fly-covered child's face racked by sobs; and then the theme of identity, represented by a tribal man playing a traditional fiddle, cross-cut with quickly ratcheting zoom shots of the slum being demolished by the bulldozer.

Then follows, as in the play script, a straightforward narration of the plight of slum dwellers in Maininagar, Ahmedabad, adjacent to the expanding Indian Institute of Management. The documentary records a protest before the planned demolition, including two dramatic performances within the slum area as part of the protest. Angry signs and a series of speeches indicate the charged nature of the event. The rest of the film consists of interviews detailing the hardships suffered by the people. A story emerges that political leaders wished to use the route for their motorcade, did not care to observe the citizens residing on the pavements, and so aesthetically relocated them. The interviews reveal lack of warning, a pattern of repeated demolition stretching back ten years, failure to provide alternate dwellings, and a particularly brutal zeal in implementing the eviction orders. Several small children are killed. The film closes with a swirling register of names, presumably those of the children, and another significant montage.

Both script and film versions conclude with three elements in common: lines from a famous nationalist song proclaiming "Our India, the best in the whole world" ("*sare jahan se accha/ Hindustan hamara*"); a quotation from the President's speech on Republic Day 2002 acknowledging the importance of the tribal population; and a closing dedication to the children who died recently in the slum.

The fourth element is slightly different in each text. In the play script, the Chorus repeats its chant of "Bulldozer" while in the film this text is replaced with lines from a poem of Paash, a radical Punjabi writer, in voiceover: "Most dangerous is the moon/ Which doesn't burn your eyes/ Even as it rises in the deserted compound/ After each massacre/ Most dangerous is the death of our dreams."[25] In the concluding montage the film projects these two audio tracks over a text of the President's speech and still photographs of very young children. The play within the play is shown again with images of the hero picking up his cultivator's implements to strike at his oppressor. The film adds a few additional lines from Paash that metaphorically depict peasant anger as molten iron shaped into an axe.

With the inclusion of the poem by Paash at the end we realize that the film version, like the play, had also contained a Chorus, but it takes the repetition of the poetry to realize we had heard it previously. The entry of this theatrical element into the film seems to extend the cross-fertilization between cinema and theatre that the montage frame had inaugurated. When we recall that the Chorus in the play had been the element that triggered action specifically through the performance of street theatre, the new emergence of the Chorus in the film seems especially significant. So does its latency – it requires a repetition to become visible in the first place.

The Chorus appears at about the halfway point of the film with a tableau of ten distinct shots recording slum life. These are unconnected to documentary narratives and form a self-contained essay on poverty and empathy, with Paash in voiceover: "Most dangerous is that eye/ Which sees all but remains frozen/ The eye that forgets to kiss the world with love/ The eye lost in the blinding mist of the material world/ That loses the simple meaning of visible things/ And is lost in the meaningless return of useless games." One particularly arresting image is a telephoto shot of commuters filing past on motorbikes that seems to synthesize the content of the poem with the form of the montage. The image evokes a distanced view of everyday reality in blinding proximity to the suffering in the slum, suggesting the "frozen" eye that sees but does not act. Thus the film invents a cinematic Chorus as a correlate to the dramatic element that had figured so crucially in pressing the play's activist agenda. The Chorus here synthesizes realism and montage, creating a populist, interventionist art form.

The ideological implication of the framing device seems to shift from the beginning to the end of the production, as if the meaning of the artistic event were to grow organically over the duration of its performance; having lived through the performance of the realist document *Bulldozer*, what had been sardonic and absurd at the opening now becomes sharpened and resolute. Now the enemies are not the abstract laws and armies of the foreign occupation in general but rather the specific constraints of the postcolonial state and the police in our own backyard. The trauma is no longer children crying of hunger but children murdered by the municipal authorities. In the process, it is suggested, displaced migrant squatters become radicalized urban rebels; dispossessed tribals are replaced by guerillas shaping the molten iron of their anger into axes. The proud nationalist vision of "*Hindustan hamara*" is rendered impotent and the President's hopeful message is a bitter charade.

The "meaning" of *Bulldozer*, both play and film, is finally given in the juxtaposition of these two modes of realism and montage by generating our

awareness that the two modes work together, in contradiction, to present an array of possibilities for action.

Forms of Liberation

Two additional varieties of formal aesthetic innovation will be considered here in conclusion as they elaborate the repertoire of Budhan Theatre's technique. The first is a grim tale about the economic system itself and how the burden of primitive accumulation is disproportionately born by the tribal. In the documentary film *The Lost Water* (2008) we learn that the producers of salt in Gujarat, where over 70% of the country's supply is manufactured, are paid far below the government-mandated minimum wage on a commodity that enjoys a 500% markup between production and consumption.[26] Utilizing only five or six types of shot, this minimalist documentary tells the straightforward tale of Koli tribespeople, former boatmen and fisher folk, who work the evaporating beds where seawater is condensed. They take their new name, Agariya, from their labor in the salt pan (*kyarry*).

The sea has receded from Kutch, leaving only a barren plain suitable for little but this industrial manufacture. Having lost their livelihood on the sea, and not comprehending ownership of land, the Kolis are pushed into wage slavery. Endemic disease, malnourishment, and exploitation are common; the workers on the plains owned by the Hindustan Salt Company are unprotected by clothing, labor law, health care, or clean water, each of which the government claims to provide. Constant contact with the salt results in skin lesions, blindness, and tuberculosis. Their median life span is fifty years. In cross-cutting interviews between government officials and salt workers on the ground, the film exposes blatant hypocrisy and corruption. The local small village contains 437 widows, and almost all the children interviewed have lost a family member. When told that their daily minimum wage has been fixed by government at Rs. 100, of which they are now receiving only Rs. 50, the exhausted and astonished tribals can barely register their incredulity.

As a documentary film The *Lost Water* is practically as minimal as *Budhan* in the realm of drama. Yet it, too, marshals aesthetic complication by way of which concepts are asserted. An opening montage is pieced together using images from the satellite mapping program Google Earth that informs us how civilizations in ancient Greece and Rome used salt as a means to pay soldiers as well as to buy slaves. In more recent times Gandhi defied the salt tax to mobilize resistance to British rule. As in both versions

of *Bulldozer*, this montage of images is in fact an essay of concepts subtending the realist exposition.

The montage not only shows the historical importance of one of the world's cheapest commodities, but also links it to some of the most powerful forces unleashed by man. Militarism, slave holding, and anti-imperialism combine to state a conceptual truth about independent India: namely, that its independence has not yet come, and from the tribal perspective the subcontinent is still colonized. These three fundamental concepts continue to pin the Agariya people, whose land was made private property by British military conquest, who are held in debt bondage by the capitalist corporation, and who were bypassed entirely by the independence movement. It is bitter irony that Mahatma Gandhi could launch his independence movement as a protest against the tyranny of the salt tax in 1930, but could not begin to consider the plight of the salt workers themselves.[27]

As before, the montage technique operates in juxtaposition with the realist diegesis. Very rarely are stories told with ornament or flourish, but the introductory historical montage is composed of rapid cuts, superimposed images, music, voiceover, and subtitles. It is very dense material at the sensory level. The stylistic discontinuities consistently call for a labor of interpretation; while the realist description presents "facts as they are," the montage sequences ask to be strung together into meaningful units. Both work together, but through contradictory techniques: one tells a story, the other "tells" an interpretation through the juxtaposition of image-concepts.

Nature conspires against the Agariya. As the water continues to recede, they are forced to look farther away for it. Both fresh water for drinking and salt water for production are disappearing, causing them to dig more wells. This is dangerous, back-breaking work that brings additional hardship into their lives. A pipeline for water has been proposed, and the government has in fact authorized its construction, but the Forest Department will not allow it to pass through a designated Wild Ass Sanctuary. Squeezed between employer, commodity, land, water, and even animals, the Agariya personify that mythic figure who digs perpetually in the desert to find water.

Fight for Survival (2005) dramatizes the effects of the privatization of nature and the commons on those who rely on them.[28] The construction of crime in such a situation reaches a pinnacle of absurdity. Madari tribals are snake charmers who make their living by entertaining. In 2004 some activists from the Animal Help Foundation, an NGO, began to zealously enforce a ban prohibiting the use of forest animals for economic gain. It was alleged that the Madaris mistreated the snakes by removing their fangs, but this could not be proven. To compel them to return their snakes to the forest,

several snake charmers were severely beaten and were caged overnight in a small pen. Bajrange's twenty-minute documentary records a people crushed between nature, culture, and government. The Madaris have no resources and have been given only promises for housing, education, healthcare, and employment. To take away their snakes, with which they have performed for hundreds of years, is to impose economic and cultural death. As a Madari man describes their relationship, "We will die but we cannot give up our snakes. It is a father to us, it helps raise our children." In turn, the animal rights protectors appear heartless and inhuman: "How long must India remain a land of snake charmers? Some things are not worth supporting."

Bajrange demonstrates the artificial nature of this "crime" through several means, but by far the most striking device is the elaborate "dramatization" of the incident of beating. In sepia-toned images shot in *vérité* style, the two Madari gentlemen are pulled from their vehicle and brutally beaten with sticks by a gang of men, in slow motion, for almost two minutes. Reproduced photographs from the local newspapers "prove" the truth of the beating, but interviews with people on both sides cast some doubt and the facts of the event remain inconclusive. What is incontrovertible, however, is the truth of perspective brought to bear on the events: the interpretations of the snake charmers are utterly at odds with those of the environmentalists, who come off as animal-hugging misanthropists.

Were we not convinced by the first dramatization, we are offered a second one that details an attack on a Madari ghetto where the alleged perpetrators were mistakenly thought to reside. The dramatizations, indicated as such by subtitles, are scripted and rehearsed stage plays in their own right inserted into the realist fabric of the documentary. Play within a play! These staged re-enactments are so obviously fictional that to call them dramatizations seems to parody the objectivity of a certain kind of documentary, perhaps one that would claim not to take sides. As in the virtuosic soliloquies examined earlier, these highly stylized scenes of violence are excessive, both in the graphic depiction of physical beating and in their duration. Although the incidents of conflict they describe are significant for the overall story, the re-enactments take up over two and a half minutes of the film's duration, or about 15% of its content. If we add the photographs and the Madaris' account of their continued abuse at the hands of the activists, *Fight for Survival* is about 50% fight scenes.

The re-enactments are extremely disturbing to watch. The attack on the ghetto shows several infant children sprawled in the dust and sobbing. Interviews with officials subsequent to the attack consistently minimize or explain away the event, disputing that there was any violence at all, yet the

dramatizations "tell the truth" through their overt fabrication of a Madari point of view. They are designed to produce a "truth-effect" of mortal peril and physical pain. Whatever one thinks of the truth of the event, the truth of its perception for the victims is elaborately brought home. Bajrange repeatedly superimposes barbed wire and other fencing over still images of the victims, recalling a famous photograph taken in 1947 of a child-inmate of the Bitragunta settlement in Madras, which reminded the government Inspector, Aiyappan, of a Nazi concentration camp: "The children being bred behind barbed wire as though they are very dangerous animals were a very tragic site."[29] Excess here works as truth to highlight a story that is otherwise untold and unheard. The "put-togetherness" of the object is as much a part of its content as of its form.

In a wry moment of reflection on their now even more hopeless situation, we see Madari men performing the motions of snake charming on colorful scraps of cellophane. "We would have given you a good show, but they took away our snakes. Pretend this colored paper is a snake." One of the men presciently summarizes their situation: "What are we going to do now? Become dacoits?"

Notes

Introduction

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Chapter 4 Acting Like a Thief: From Aesthetics of Survival to the Politics of Liberation

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8 Dakxin Bajrange, "Budhan," trans. Sonal Baxi, *Painted Words: An Anthology of Tribal Literature,* ed. G. N. Devy (New Delhi: Penguin Books, 2002), 262. (Page references given in text below.)

9 See Bhasha Research and Publication Center (BRPC), *Budhan: Newsletter of the Denotified and Nomadic Tribal Rights Action Group* (Baroda: BRPC, 1998–).

10 This process is elaborated in detail in the film *Mahasweta Devi: Witness, Advocate, Writer*, dir. Shashwati Talukdar (DVD: Four Nine and a Half Productions, 2001).

11 Dakxin Bajrange, *Five Plays*, trans. Sonal Baxi, unpublished manuscript; citations given by play title and page.

12 See Homi K. Bhabha, *The Location of Culture* (New York: Routledge, 1994).

13 Frantz Fanon, *The Wretched of the Earth*, trans. Richard Philcox (New York: Grove Press, 2004), 19.

14 *Caste Criminelle*, dir. Yolande Zauberman (DVD: Arcadia Productions, 1979).

15 See BRPC, *Budhan*. A National Commission was appointed in 2005 under the Ministry of Social Welfare and began work the following year: <http://ncdnsnt.gov.in/>, accessed September 9, 2009.

16 Richard Schechner, "Rasaesthetics," *The Drama Review: The Journal of Performance Studies* 45.3 (Fall 2001): 29.

17 B. T. Seetha and C. Muralikrishna, "Budhan, the Third Theatre," *Muse India*, 14 (July–August 2007), accessed September 9, 2009 <http://www.museindia.com/showfeature3.asp?id=670>.

18 Personal communication with the author, 2008.

19 Budhan has collaborated with film director Rakesh Sharma to produce overtly political cinema designed to influence the election process. See the film *Final Solution*, dir. Rakesh Sharma (DVD: Rakeshfilm, 2004), accessed September 9, 2009 <http://www.youtube.com/watch?v=pH9t2wXfpQ4>.

20 Augusto Boal, *Theater of the Oppressed*, trans. Charles A. and Maria-Odilia Leal McBride (New York: Urizen, 1979).

21 Dakxin Bajrange, "Bulldozer," trans. Sonal Baxi, unpublished typescript.

22 *Bulldozer*, dir. Dakxin Bajrange (DVD: Budhan Theatre, 2006).

23 Alex Preminger, Frank J. Warnke, and O. B. Hardison, Jr., eds., *Princeton Encyclopedia of Poetry and Poetics* (Princeton: Princeton University Press, 1974), 125.

24 Bhiku Parekh, *Gandhi: A Very Short Introduction* (Oxford: Oxford University Press, 1997), 69.

25 All translations, like the English subtitles of the film, are by the director and slightly modified by me.

26 *The Lost Water: A Salt Worker's Life*, dir. Dakxin Bajrange (DVD: Budhan Theatre, 2007), accessed September 9, 2009 <http://www.der.org/films/the-lost-water.html>.

27 Parekh, *Gandhi*, 20–1. Vinayak Chaturvedi has begun the necessary interrogation of the Gandhian movement from the position of the criminal subaltern in his *Peasant Pasts: History and Memory in Western India* (Berkeley: University of California Press, 2007).

28 *Fight for Survival*, dir. Dakxin Bajrange (DVD: Bhasha Research and Publication Center, 2005).

29 A. Aiyappan, *Report on the Socio-economic Conditions of the Aboriginal Tribes of the Province of Madras* (Madras: Government Press, 1948), 37.

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